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**Our reference:**  
**Your reference:**  
**Date:** Monday, 30 November 2020

To all Members of the Cabinet

Dear Councillor

A Virtual Meeting of the Cabinet will be held via Zoom on Tuesday, 8 December 2020 at 7.00 pm to consider the following items of business.

The meeting will be live streamed via YouTube for the public to listen and view via the link: <https://www.youtube.com/user/RushcliffeBC>

Note: Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 10 November 2020 (Pages 1 - 6)
4. Opposition Group Leaders' Questions

To answer questions submitted by Opposition Group Leaders on items on the agenda.

5. Citizens' Questions

To answer questions submitted by citizens on the Council or its services.

## **KEY DECISIONS**

6. Chapel Lane Bingham Development

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

**Email:**  
customerservices  
@rushcliffe.gov.uk

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0115 981 9911

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**Opening hours:**  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG

The report of the Executive Manager – Communities is To Follow.

#### NON-KEY DECISIONS

7. East Midlands Freeport (Pages 7 - 18)

The report of the Chief Executive is attached.

8. Draft Planning Enforcement Policy (Pages 19 - 42)

The report of the Executive Manager – Communities is attached.

9. Covid 19: Progress and Response (Pages 43 - 84)

The report of the Chief Executive is attached.

#### Membership

Chairman: Councillor S J Robinson

Vice-Chairman: Councillor A Edyvean

Councillors: A Brennan, R Inglis, G Moore and R Upton

<b>Meeting Room Guidance</b>
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**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

<b>Recording at Meetings</b>
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The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



## **MINUTES OF THE MEETING OF THE CABINET**

**TUESDAY, 10 NOVEMBER 2020**

Held virtually at 7.00 pm and live streamed on the  
Rushcliffe Borough Council YouTube channel

### **PRESENT:**

Councillors S J Robinson (Chairman), A Edyvean (Vice-Chairman), A Brennan,  
R Inglis, G Moore and R Upton

### **OFFICERS IN ATTENDANCE:**

L Ashmore

P Linfield

K Marriott

S Sull

H Tambini

Executive Manager - Transformation

Executive Manager - Finance and  
Corporate Services

Chief Executive

Monitoring Officer

Democratic Services Manager

### **APOLOGIES:**

There were no apologies

#### **18 Declarations of Interest**

There were no declarations of interest.

#### **19 Minutes of the Meeting held on 8 September 2020**

The minutes of the meeting held on Tuesday, 8 September 2020 were  
declared a true record and signed by the Chairman.

#### **20 Opposition Group Leaders' Questions**

There were no questions.

#### **21 Citizens' Questions**

There were no questions.

#### **22 Revenue and Capital Budget Monitoring 2020/21 - Financial and Covid Update Quarter 2**

The Portfolio Holder for Finance presented the report of the Executive Manager  
– Finance and Corporate Services outlining the budget position for revenue  
and capital at 30 September 2020.

The Portfolio Holder for Finance advised that a great deal had occurred during  
this reporting period and whilst the report highlighted an improving picture  
since the last quarter, the figures remained fluid and continued to be dictated

by national events. It was noted that the anticipated budget gap had improved since the last quarter from £422k to £244k, with the difference being derived from Covid -19 pressures being offset by in house efficiencies and Government funding. Cabinet was advised that projections would continue to change, as the impact of the latest lockdown was understood. Support for leisure facilities continued to be significant, and that had been further exacerbated with leisure centre closures due to lockdown, and it was hoped that facilities would be able to open again soon. In respect of repayments for the outstanding internal loan for the Arena development, it was reiterated that the Council had the opportunity to reduce those repayments; however, it was suggested that this was unlikely to be required this year. The report highlighted that the Capital Programme was continuing as scheduled, although it had been slightly delayed due to Covid. It was noted that collection rates for Council Tax had been reduced by 1%, which equated to £796k. The Government had announced that the deficit could now be spread over three years, which should reduce the burden each year, although it would still remain. In respect of Discretionary Grants, it was noted that a new scheme had been introduced and it was hoped that payments would begin to be made by the start of next week. Officers were again thanked for their hard work in ensuring the rapid implementation of the scheme. Reference was made to the request by the Communities Scrutiny Group that the Council should look at how Enviro-Crime enforcement, particularly fly-tipping was resourced and it was noted that a cost neutral solution had been agreed by using an external company, which would recover costs through issuing fixed penalty notices. The arrangement would be reviewed in six months and reported to the Communities Scrutiny Group. In respect of the Development Corporation, Cabinet was advised that the budget had been adjusted to cover this commitment. The report highlighted some positive progress; however, the fluidity of the situation was reiterated and it was important that the Council continued to maintain a tight control over its finances, expenditure and reserves.

In seconding the recommendation, Councillor Edyvean referred to the importance of ensuring that the Council maintained a well-managed budget and thanked the Executive Manager – Finance and Corporate Services and his team for their continued hard work. It was a testament to the entire Council that during such difficult times, it had remained open for business and continued to look forward and face the challenges ahead.

The Leader reiterated the thanks given to all officers for their hard work and diligence during this difficult time, together with the importance of continuing to support local businesses financially through the grants payments. It was also pleasing to note that the Council remained focused and ambitious in respect of moving forward with its Capital Programme.

It was **RESOLVED** that the report be approved and the following be noted:

- a) the projected net effect of in-year efficiencies (£0.497m) and Covid-19 pressures (£2.355m) and Covid Government funding (£1.614m) resulting in an expected net revenue deficit for the year of £0.244m;
- b) a projected £3.017m net surplus on Business Rates as a result of additional S31 reliefs to be transferred to the Organisation Stabilisation Reserve to offset the expected Collection Fund deficit in later years;

- c) the £0.723m receipts be transferred to reserves as follows - £0.523m to Organisation Stabilisation and £0.2m to the Development Corporation Reserve;
- d) the capital underspend of £23.8m of which £18.465m to be carried forward: £17.965m to 2021/22 Capital Programme and £500k to 2022/23 Capital Programme;
- e) the projected Special Expenses position with a projected deficit of £0.082m for the year to be financed by a loan from the Council as agreed by the West Bridgford CIL and Special Expenses Group; and
- f) the six-month trial to engage Waste Investigations Support and Enforcement to deliver enforcement of environmental crimes (following on from Communities Scrutiny Group discussions).

## 23 Development Corporation

The Leader presented the report of the Chief Executive providing an update on the East Midlands Development Corporation Programme since Cabinet had been updated in February 2020.

The Leader advised that the Council continued to support the Development Corporation as a whole, with a particular interest in the Ratcliffe on Soar power station site, given its significant strategic importance to the Borough. The power station would be decommissioned in 2025, and it was therefore vital that the Borough led on the future of that site. The importance of encouraging external investment into the Borough to ensure economic growth and employment was acknowledged. Currently the Alchemy Board, which had representatives from the three directly affected districts, the County Council and private partners was overseeing the Development Corporation. It was noted that a detailed Business Case was being prepared and it was anticipated that it would be submitted to the Government in March 2021. The report highlighted that an interim vehicle would be established and incorporated in January 2021, with the Borough represented on that body. Cabinet was advised that the Development Corporation had applied to the Government for funding during this interim period, and once a response had been received, the Council would be aware of the financial contribution required to support that interim vehicle.

In seconding the recommendation, Councillor Upton referred to the significant impact that the closure of the power station would have on the Borough, given the substantial loss in business rates and the impact of having a potentially very large derelict site in this key location and the Council needed to take action now. Reference was made to the significant time that the parliamentary process could take and the establishment of an interim vehicle was the appropriate step to take, as was the suggested financial contribution to support it.

The Leader reiterated that both he and the Chief Executive would be looking very carefully at the agreement once the final details were known. It was hoped that the interim period would not be too long and that the Development

Corporation would be fully established soon. The significant loss in business rates should not be underestimated and it was essential that the Council supported this programme to ensure continued economic growth and employment.

Councillor Edyvean referred to the importance of supporting both the interim vehicle and the future Development Corporation, to ensure the future ambition for the site, which would be significant in terms of contributing towards a carbon neutral economy.

It was **RESOLVED** that:

- a) the progress made to date of the East Midlands Development Corporation Programme, and the establishment of an interim vehicle be noted;
- b) the principle of making a financial contribution to support the interim vehicle over the next three years be approved, subject to further negotiation and agreement by Council and subject to match funding from other affected local authorities and Government and, thereafter, the funding arrangements to be included within the Medium Term Financial Strategy for 2021/22 onwards;
- c) the Chief Executive be requested to prepare a report including further detail on the Interim Vehicle and Rushcliffe Borough Council's involvement in it, to be ratified by Full Council in December 2020; and
- d) the Council entering into the Members' Agreement and participating in the incorporation of the Interim Vehicle Company Limited by Guarantee be approved in principle, and delegated authority be granted to the Leader and Chief Executive for agreeing the final form of the Members' Agreement and Articles of Association subject to agreement by Council.

## 24 **Acquisitions and Disposal Policy**

The Portfolio Holder for Business and Transformation presented the report of the Executive Manger – Transformation providing an update on the Acquisitions and Disposals Policy 2020-2025.

The Portfolio Holder for Business and Transformation confirmed that the Council already had an Asset Management Strategy, which had recently been updated. As part of the process for managing acquisitions and disposals, the Acquisitions and Disposals Policy set out the parameters that were required to undertake any transactions. The Council's assets were diverse and multi-faceted and the Policy outlined the guidelines that should be followed to fulfil the Council's corporate objectives. It was noted that the Policy had been updated to include reference to properties bought to house the homeless, together with the future provision of affordable housing.

In seconding the recommendation, Councillor Brennan referred to the Council's diverse asset base and stated that it was important that the Council had a clear Policy setting out the key principles to consider when purchasing or selling an asset, to ensure that the Council's corporate objectives were met. The

importance of open and transparent decision-making was reiterated, to ensure that the Policy was appropriately managed, continuously reviewed and supported the delivery of the Council's services.

The Leader reiterated the importance of maintaining a balanced and diverse portfolio of assets, particularly as the Council moved forward through the pandemic, during challenging financial times, where an appropriate balance of assets could provide both revenue and local residents with important facilities. It was pleasing to note that over the years the Council had managed to accumulate this balance of assets and that needed to be maintained.

It was **RESOLVED** that the Acquisitions and Disposals Policy 2020-2025 be approved.

The meeting closed at 7.20 pm.

CHAIRMAN

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**Cabinet**

**Tuesday, 8 December 2020**

**East Midlands Freeport**

## **Report of the Chief Executive**

### **Portfolio Holder for Strategic and Borough Wide Leadership Councillor S J Robinson**

#### **1. Purpose of report**

- 1.1. In February 2020, the Government launched a consultation to inform a future Freeports Policy. A formal response was submitted on behalf of the East Midlands region which was developed by a working group of key local stakeholders including Rushcliffe Borough Council and led by the D2N2 Local Enterprise Partnership (LEP) and Leicester and Leicestershire LEP, supported by a consultant team.
- 1.2. The Government has released its response to the consultation and on 17 November 2020, released the Freeport prospectus. Government has invited bids from local areas for Freeports. There will be a maximum of 10 across the country. The consultant team and working group have developed the proposition for an East Midlands Freeport to be submitted to Government. This proposition includes the Ratcliffe on Soar power station site. This report seeks to gain Cabinet's endorsement of the East Midlands Freeport proposition.

#### **2. Recommendation**

It is RECOMMENDED that the Cabinet:

- (a) endorses, in principle, the submission of a Freeport proposition paper to Government for the East Midlands to include the Ratcliffe on Soar power station site; and
- (b) approves the Leader providing a commitment of the Council's support and agreement to the proposed Freeport for those areas for which Rushcliffe has statutory responsibility including planning and business rates to support the delivery of the proposal. As Ratcliffe on Soar power station is not currently an allocated site within the Local Plan and the whole site is washed over by the greenbelt, the letter will give the Council's support for the Freeport bid in this context, whilst not fettering its discretion and statutory duties as the local planning authority.

### **3. Reasons for recommendation**

The Freeport for the East Midlands (including the Ratcliffe on Soar power station site) has the potential to attract investment and spur local and regional economic growth as well as enhancing international trade. This means new jobs and associated infrastructure to benefit our local residents and communities. It should also mean, developed alongside proposals for the Development Corporation, accelerated delivery of a soon to be largely redundant site in the Borough.

### **4. Supporting information**

- 4.1. Freeports are a type of special economic zone. As with other economic zones, they are designed to create a favorable business environment which attract inward investment and international trade. Within Freeports, trade is facilitated by reducing the direct and administrative costs of trading goods with the rest of the world. Goods entering a free zone are not subject to typical import procedures. The goods can be processed and re-exported from the zone without being considered to have entered the host country.
- 4.2. This does not, however, imply that the activities carried out within the Freeport are exempted from other regulatory requirements of the host country for example employee rights or health and safety.
- 4.3. The aims of the zone are to sustain and boost competitiveness by making the customs procedures simpler for firms within the zone, and delaying the point at which they have to pay duties; therefore, enhancing cash-flow.
- 4.4. In the case of the East Midlands, the two sites to be included in a Freeport proposal are East Midlands Airport and Ratcliffe on Soar power station. The sites, although not adjacent, would operate as one port. As Cabinet will be aware, these are also two of the three sites included in the Development Corporation proposals. Therefore, the proposition for an East Midlands Freeport is being developed to align with the proposals for the Development Corporation.

#### **Government consultation on Freeport Policy**

- 4.5. The Government Consultation, launched in February 2020, on Freeports set two broad policy objectives: regeneration and innovation. The Government seeks to 'level up' the country's most deprived areas, delivering high skilled job opportunities for people in underperforming regions. Moreover, the UK Government also wants to encourage innovation by using Freeports as platforms for innovative business clusters.
- 4.6. The East Midlands Freeport consultation response submitted in July 2020 was comprehensive and developed in partnership with the public and private sector including RBC and Uniper (owners and operators of the Ratcliffe on Soar power station site). It included some key messages for Government including:

- Freeports attract investment and spur local economic development;
  - Multimodal Freeports can enhance international trade;
  - Appropriate governance structures are critical to ensure the success of Freeports;
  - Local support is essential to build consensus around Freeport sites;
  - Freeports can and should be hotbeds for innovation; and
  - Freeports in the East Midlands context - the success of Freeports will largely depend on site selection. Priority should be given to areas that are struggling to 'level up'; but have an appetite for growth. This is particularly the case for a highly connected, and outwardly facing region such as the East Midlands region, where labour productivity is lagging despite having employment levels in line with the UK.
- 4.7. Of particular interest for RBC are the planning implications of the designation of a Freeport for any or all of the Ratcliffe on Soar site. As part of the package of incentives for Freeports one example is a simplified/expedited planning process. Examples mentioned in the consultation include the use of local development Orders. These are used to establish a clear framework for development in an area/on a specific site. Another option referred to is permitted development rights in line with the operation of a Freeport. This currently exists at East Midlands Airport<sup>1</sup>, the other proposed site for the East Midlands Freeport.
- 4.8. Since the consultation closed, Government launched its Planning for the Future consultation; this is linked to the Freeport consultation and may bring further benefits to the development of Government's Freeport offer.
- 4.9. The East Midlands consultation response covered the issue of displacement, it suggested that cost-benefit analysis should compare the projected investment stimulated by a policy against a business-as-usual. Such an analysis must consider how much of the investment would have gone ahead without the Freeport, either in a different UK location (displacement) or at the same site (deadweight). It went on to say that it is important to note that displacement is not necessarily bad. National displacement is inevitable if the Freeport Policy is to achieve ambitions around clustering, innovating regeneration and levelling up. The challenge will be associated with ensuring that local (and regional) displacement remains as low as is possible.
- 4.10. To minimise the risk of displacement the Freeport should target areas with capacity in the local labour market, where new employment opportunities can be created through the Freeport Policy. Furthermore, benefits could be targeted specifically to businesses which may otherwise choose not to invest, or to invest outside of the UK, as opposed to generic benefits.
- 4.11. The Government issued its [response to the freeport consultation](#) in October 2020, and a summary of the key points can be found at Appendix A:

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<sup>1</sup> East Midlands Airport already benefits from relatively significant permitted development rights under Part 8 (Transport Related Development) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England).

- The Freeports consultation proposed a brand-new, bespoke Freeport model, with a comprehensive package of measures designed to boost trade, employment and innovation.
- Overall, respondents welcomed the ambition of the proposals, the emphasis on local economic geography and regeneration, the flexibility of the customs model, and the focus on innovation.
- Ports and businesses shared how Freeports could contribute to their sector's success and future growth potential, while many local authorities and public-sector bodies were optimistic about the potential of Freeports to help transform local economies.
- However, some respondents, including several non-government organisations and individuals, expressed views about potential negative impacts on areas including port security, safety, workers' rights and the environment. Some respondents also expressed views around economic displacement – particularly in deprived areas – and the risk of Freeports being used for tax evasion or money laundering.
- Currently the government is proposing that where there are non-contiguous sites included in a Freeport proposal (as is the case in the East Midlands) the tax benefits would be reserved for only one site, other sites would be customs sub zones. The prospectus which has now been issued however states; *Bidders should aim for a single tax site to benefit from the tax offer. However, where there is an economic case to do so, they may define up to 3 single, individual areas as the location of the tax sites.*

4.12. The Government's Freeport prospectus and call for sites was released on 17 November 2020. The deadline for responses is 5 February 2021, MHCLG will then assess bids with a decision made in Spring 2021.

4.13. The prospectus places a requirement on local authorities to endorse the bids with a letter which must:

*Be signed by the Leader of each local authority that is responsible for planning and business rates collection in whose area any of the proposed Freeport sites will sit. This letter should commit their full support and agreement to the proposed bid specifically those areas for which they have statutory responsibility including planning and business rates to ensure the delivery of the proposal.*

4.14. As Cabinet will be aware the Ratcliffe on Soar power station is not currently an allocated site within the Local Plan and the whole site is washed over by the greenbelt. It is proposed, therefore, to give the Council's support for the Freeport bid whilst not fettering its discretion as the local planning authority.

### **The Freeport Proposition**

4.15. The intention is to submit a Freeport proposal for the East Midlands to Government. The proposition paper for a Freeport is currently being worked on by Vivid Economics who have been appointed by D2N2 LEP on behalf of all

members of the Freeport Working Group. This will help to shape and inform any future submission to Government.

- 4.16. Vivid Economics is engaging with private landowners to assess the redline boundaries of a potential Freeport in the East Midlands. The objective is to understand current site use, planned investments, and appetite for future development. Through these stakeholder engagements, Vivid Economics has been able to assess several sites that could benefit from the designation of a Freeport, bringing forward land that could encourage investments and deliver significant economic benefits to the region. This includes the Ratcliffe-on-Soar power station site, which is planned for closure in 2025.
- 4.17. The site extends to a total area of 273 hectares, which is divided by the A453. The East Midlands Parkway Railway Station is situated immediately adjacent to the site. The power station is also under two miles away from Junction 24 of the M1 and is in proximity to the East Midlands Airport and the Segro East Midlands Gateway Logistics Park.
- 4.18. Within the site, there are approximately 154 hectares of potentially developable land which could be available for a Freeport, which includes plots where the coal station currently sits. The plant, however, is due to close at the end of 2025, with decommissioning works starting in 2026, at the latest. Development at the northern part of the site is therefore partly restricted to the decommissioning timeline. However, there is an opportunity to more rapidly develop several plots in the north site and fully develop the area in the south of A453, subject to planning permission.
- 4.19. The proposition for the site is currently still being worked on and elements of it are commercially sensitive, therefore, no further details can be provided at this stage. Vivid Economics will continue working with key stakeholders, including the Borough Council, to finalise a proposition paper that assesses the economic impacts of a Freeport in the East Midlands.

## **5. Alternative options considered and reasons for rejection**

The Freeport proposition is being developed by Vivid Economics who, as part of their modelling of the site, have considered a number of different options for the development of sites. The one which will be presented to Government will be the one which has the opportunity to yield the greatest benefit for all.

## **6. Risks and uncertainties**

- 6.1. There is a risk that the Freeport and the Development Corporation develop as two separate propositions and so do not deliver coordinated development on the site. However, there are already strong links between the work streams and this would be maintained as the work progresses.
- 6.2. There is a risk that a landowner or key local stakeholder chooses not to progress to bid stage which would put at risk the whole proposal for the East Midlands.

## **7. Implications**

### **Financial implications**

- 7.1. A budget of £10,000 was allocated from Rushcliffe's Strategic Growth Board fund for the commissioning of the consultants (Vivid Economics) for their work on the consultation response and the proposition. This cost was split equally between the organisations involved in the Freeport Working Group.
- 7.2. There are a number of incentives for businesses associated with Freeports; however, it is understood that these are funded by Government and so not a cost to the local authority.

### **Legal implications**

- 7.3. If the East Midlands Freeport is given approval by Government, a governance arrangement would be required. The details of this are yet to be developed, but it is expected that this would align with the Development Corporation.
- 7.4. Planning matters will be considered in accordance with the Council's constitution. However, Council can decide (by resolution) to apply a Local Development Order ("LDO"). A LDO would grant permission for development of the nature specified in the Order as permitted development, subject to the criteria within it which must be met. In considering and making a LDO, Council would apply the "very special circumstances test" as the area falls within the greenbelt. If resolved, the LDO would therefore permit development in the area without further planning submissions or consideration of greenbelt. This is not a consideration or recommendation of this report.
- 7.5. In supporting the bid proposal, the Council does not fetter its discretion as the local planning authority, as applications will be subject to consideration and determination in accordance with National and Local Planning Policy and the Council's scheme of delegation.

### **Equalities implications**

- 7.6. Inclusive growth is a key theme in the proposition and the Government's intentions for its Freeport Policy, ensuring that, as far as possible, the Freeport brings benefits for all; levelling up the national economy and as well as creating jobs the focus is on the quality as well as the accessibility of those jobs.

### **Section 17 of the Crime and Disorder Act 1998 implications**

- 7.7. There are no crime and disorder implications associated with this report.

## 8. Link to Corporate Priorities

Quality of Life	The Freeport has the potential to benefit local residents' quality of life through the provision of new jobs, open space and green infrastructure
Efficient Services	
Sustainable Growth	The development of Ratcliffe on Soar power station through the Freeport could attract a significant number of new businesses and a maximum of 20,000 jobs (depending on what sites and development comes forward)
The Environment	

## 9. Recommendations

It is RECOMMENDED that the Cabinet:

- (a) endorses, in principle, the submission of a Freeport proposition paper to Government for the East Midlands to include the Ratcliffe on Soar power station site; and
- (b) approves the Leader providing a commitment of the Council's support and agreement to the proposed Freeport for those areas for which Rushcliffe has statutory responsibility including planning and business rates to support the delivery of the proposal. As Ratcliffe on Soar power station is not currently an allocated site within the Local Plan and the whole site is washed over by the greenbelt, the letter will give the Council's support for the Freeport bid in this context, whilst not fettering its discretion and statutory duties as the local planning authority.

<b>For more information contact:</b>	Kath Marriott Chief Executive <a href="mailto:kmarriott@rushcliffe.gov.uk">kmarriott@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	
<b>List of appendices:</b>	Appendix A - Summary of Government's Freeport Consultation response

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## **Key points from Governments freeport consultation October 2020**

### **Overview**

- The Freeports consultation proposed a brand-new, bespoke Freeport model, with a comprehensive package of measures designed to boost trade, employment and innovation.
- Overall, respondents welcomed the ambition of the proposals, the emphasis on local economic geography and regeneration, the flexibility of the customs model, and the focus on innovation.
- Ports and businesses shared how Freeports could contribute to their sector's success and future growth potential, while many local authorities and public-sector bodies were optimistic about the potential of Freeports to help transform local economies.
- However, some respondents, including several non-government organisations and individuals, expressed views about potential negative impacts on areas including port security, safety, workers' rights and the environment. Some respondents also expressed views around economic displacement – particularly in deprived areas – and the risk of Freeports being used for tax evasion or money laundering

### **What is a freeport?**

- The UK Freeport model will maximise geographic flexibility to reflect best the different assets and needs of ports and regions across the UK. The government has designed this model to apply effectively to areas with seaports, airports and rail ports, and to regions featuring multiple ports – no mode of port or area is excluded.
- The UK Government is working with the devolved administrations on establishing at least one Freeport in each of Wales, Scotland and Northern Ireland. The location of the English Freeports will be established by a bidding process based on the Freeports objectives

### **Freeport primary customs sites**

- The UK Freeport model will require a primary customs site designated in or near a port of any mode, within which the customs benefits outlined in Chapter 3 will apply. The government is prepared to authorise primary customs sites in inland locations, so long as an economic relationship can be clearly demonstrated between the site and the port. The government will consider primary customs sites of any size, so long as a clear economic case for the site can be made and our strict security requirements enabling HMRC and Border Force to monitor the sites effectively can be met.

### **Additional Freeport subzones**

- Where bidders can make an economic case that they are required, the government will allow multiple additional customs sites ("customs subzones") to enable multiple sites to benefit from the Freeports customs model. An economic case would provide clear justification of any customs subzones' relationship to the wider Freeport. For example, a space-constrained port may manage the flow of international goods more effectively using an additional inland subzone; multiple exporting businesses within a region may seek subzone status to benefit from the Freeport; or businesses with geographically dispersed supply chains may wish to support these sites using subzones.
- Subzones may be of any reasonable size, may be within ports or inland, and may be empty spaces or existing productive sites.

### **Freeport tax sites**

- Freeports will also include a single contiguous defined site within which Freeport tax reliefs detailed in Chapter 4 will apply, building on the approach taken for existing Enterprise Zones in England and Wales. The tax site will likely be located on primarily underdeveloped land to generate new, additional productive activity in Freeport locations. The upper limit of the size of these Freeport tax sites will be between 300-600 hectares. Only customs sites located within the Freeport tax site will benefit from the Freeport tax reliefs.
- The purpose of the reliefs is to incentivise business investment in capital assets and employment within Freeports to increase productive activity and achieve the Freeport policy objectives. Clear eligibility criteria will apply to maintain the UK's high standards on preventing tax evasion and avoidance.

### **Freeport outer boundary**

- The primary customs site, tax site, and any additional subzones shall all be contained by a Freeport outer boundary. All measures (including any customs subzones and the planning, regeneration spending and innovation measures outlined in Chapters 5, 6 and 7) should be applied within this outer boundary to ensure UK Freeports are coherent, with a clear economic and geographic focus.
- Bidders will be free to determine the location of the Freeport outer boundary within size limits so long as they can provide a clear economic and geographic rationale for the space the boundary encompasses. These limits will be confirmed in the Freeport Bidding Prospectus but should be within a range of 25 – 45km between the furthest points.

### **Freeports in all nations of the UK**

- The UK Government will work with the devolved administrations in Wales, Scotland and Northern Ireland to consider separate Freeport allocation processes to those in England
- The UK Government and devolved administrations will announce their next steps in due course.

### **Customs**

- The government has proposed an ambitious Freeport customs model that allows businesses operating in Freeport customs sites to access a range of benefits and new opportunities to boost their international competitiveness.
- Businesses will be able to take advantage of customs and tariff benefits, including simplified customs procedures to access Freeports and duty suspension while goods remain in the Freeport.
- Responses have generally been positive about the proposed Freeports customs model, and many respondents have welcomed the proposed customs facilitations.
- A majority of the respondents (69%) agreed that having reduced declaration requirements for bringing goods into Freeports is a useful simplification and businesses felt this would lower costs for them. However, some respondents (31%) were concerned that this might hamper tackling illicit activity.
- The government intends to have simplified declaration procedures for goods entering a Freeport to balance trader facilitation and ensuring the security of the border.
- Businesses bringing goods into the UK will need to complete the Entry Summary Declarations. The government will also require businesses to complete standard import declaration procedures if goods are being moved into free circulation or complete the export declaration procedures if goods within the Freeport are exported.

### **Tax**

- The government wants Freeports to boost trade, promote regeneration and employment, and create hotbeds for innovation
- Overall, responses from local authorities welcomed a regime of tax incentives to catalyse business activity and investment within a specific area.
- Responses from businesses and business groups recorded broadly positive reactions to the prospective tax offer; many emphasised the success of international Free Trade Zone (FTZ) programmes that used similar tax incentives.
- Responses from port operators highlighted their generally positive reactions to the prospect of a regime of tax incentives within Freeports, especially for its ability to create jobs within port areas.
- The government will set out further details of the proposed tax reliefs confirmed in this document in the Bidding Prospectus.

### **Planning**

- The government received positive responses regarding its ambition to support the functioning of Freeports and their ability to boost trade and investment through planning and development management.
- Maritime ports welcomed bringing permitted development rights into alignment with the rest of the sector. All modes of ports agreed that increased use of Local Development Orders would be positive in supporting Freeports development. Some ports noted that anything to simplify the planning regime further would be welcome.
- Since this consultation closed, the government is in the process of consulting on an ambitious set of wide-ranging reforms to England's planning system in its Planning for the Future publication, which may bring further benefits to the development of the government's Freeports offer.

### **Regeneration**

- Respondents suggested a range of infrastructure investment that could support Freeports and their surrounding areas, including transport (71%), training facilities (29%), digital (23%), security (21%), commercial land & property (10%) and residential property (9%).
- The government is investing heavily in infrastructure across the UK, from the Strategic Road and Freight Networks through to active travel schemes.
- The government's aim for nationwide availability of gigabit-capable broadband as soon as possible will help benefit all businesses, including users of Freeports
- The government recognises that Freeports need to be located in places attractive to investment.
- Many respondents recommended that international trade and investment support should be provided to businesses in Freeports, with some recommending that support is dedicated and site-specific to each Freeport.
- Respondents to both questions noted the importance of partnering with educational institutions within a Freeport to help contribute to the local skills offer.
- A few respondents (25%) identified that the affordability of housing for workers was a need, particularly for those in areas with a large number of low-skilled or low-paid workers.

### **Innovation**

- The government received many positive responses about promoting innovation in and around Freeports. There was broad support amongst respondents for innovation and new technologies in Freeports, particularly to contribute towards the government's decarbonisation agenda. A majority of respondents also suggested increasing the availability of accurate, secure and standardised data to promote innovation.

- Respondents highlighted a wide diversity of areas where Freeport-related innovation could be of benefit. These areas included issues specific to an individual port, issues related to the ports sector as a whole, or issues related to the link between a port and the wider economy
- Therefore, the government will work with UKRI to take forward UK-wide open competitions to find innovative solutions to problems faced by Freeports and Freeport businesses.
- As part of the bidding process, bidders will be asked to set out their ambition and initial ideas for how innovation could be delivered as part of their Freeports model.

### **Preventing illicit activity**

- The government sought views on the level of illicit activity in Freeports and asked for respondents to explain their answers. A majority of respondents felt there was at least some risk of illicit activity in Freeports, citing risks such as money laundering, terrorism financing, smuggling of illicit goods – including counterfeit goods and the illegal wildlife trade – tax avoidance and tax evasion.
- A majority of non-governmental organisations believed the risk of illicit activity in Freeports was high or very high.

### **Allocation and governance of Freeports in England**

- Responses to the consultation's questions on allocation and governance processes were broadly positive on the substantive issues. On port modality, there was broad acceptance of multi-modal Freeports, and on the objectives and criteria for Freeport selection, most respondents agreed that the proposed criteria are appropriate. Responses to questions about the role of public bodies in the bidding process were less clear-cut, with a plurality in favour of models which bring together multiple partners to deliver Freeports.
- Businesses also generally welcomed the proposed bidding process. However, many noted that additional time to collaborate with local authorities and other relevant stakeholders would be welcome.
- Many Local areas were enthusiastic about the role they could play in the government's proposed bidding process. Compared to LEPs and CAs, MCAs had the most capacity to take on a coordination role.



**Cabinet**

**Tuesday, 8 December 2020**

**Draft Planning Enforcement Policy**

## **Report of the Executive Manager - Communities**

### **Cabinet Portfolio Holder for Housing Councillor R Upton**

#### **1. Purpose of report**

- 1.1. Unlike the determination of planning applications, which is a statutory function, the enforcement of planning control is discretionary. However, the National Planning Policy Framework (NPPF) acknowledges that effective enforcement is important to maintaining public confidence in the planning system and advocates that local planning authorities should consider publishing a local enforcement plan, which should set out how they will monitor the implementation of planning permissions and investigate alleged cases of unauthorised development, to manage enforcement proactively in a way that is appropriate to their area.
- 1.2. The current Planning Enforcement Code of Practice is due for review and renewal in March 2021. Therefore, in line with the recommendations in the NPPF, a draft Planning Enforcement Policy has been produced, which is more detailed and will replace the Code of Practice. The draft Policy was considered by the Growth and Development Scrutiny Group in August 2020, and again in October 2020, following amendments to the Policy in line with the recommendations of the Group. At the October meeting, it was resolved to support the referral of the updated Planning Enforcement Policy to Cabinet.

#### **2. Recommendation**

It is RECOMMENDED that Cabinet approves the draft Planning Enforcement Policy for the purposes of public consultation, to last for a period of six weeks, prior to the Policy being referred to Council for adoption.

#### **3. Reasons for Recommendation**

The Council's Corporate Strategy 2019-2023 was adopted in September 2019. The Strategy includes a new corporate priority of 'The Environment'. The enforcement of planning controls is an important aspect of protecting the natural, built and historic environment. Furthermore, there is a need for the Policy to set out clearly for all residents and businesses, including those who may be undertaking development, to understand clearly the approach the Council will take when investigating alleged breaches of planning control.

## **4. Supporting Information**

- 4.1. A copy of the draft Planning Enforcement Policy is appended to this report and is the document for which Cabinet agreement is sought prior to public consultation.
- 4.2. The current Corporate Enforcement Policy was adopted by Council in March 2010, and was last revised in October 2019. The Policy is an umbrella policy which applies to legislation enforced or administered by the Council in the following service areas and to officers engaged in enforcement activity in those areas:
  - a) street cleansing;
  - b) 'enviro' crime – fly tipping, graffiti, litter, abandoned vehicles;
  - c) environmental health – food safety, health and safety, private sector housing, environmental protection, statutory nuisance, dogs;
  - d) licensing;
  - e) building control;
  - f) planning and development control (now referred to as Planning and Growth); and
  - g) benefit fraud.
- 4.3. The purpose of the umbrella policy is to provide guidance to, amongst others, the officers within the Council responsible for enforcement of regulations. Within the specific areas detailed above, other policies may apply.
- 4.4. The primary purpose of enforcement is to protect the public and individuals. This includes protecting health and safety, the environment, business and legitimate economic interests. The Policy sets out how the Borough Council will generally carry out its enforcement functions and each service will then operate in accordance with its own practices and legislative requirements.
- 4.5. This report deals solely with the planning enforcement function. In the case of planning enforcement, an enforcement code of practice exists, and the intention is to now adopt a policy document which will replace the code of practice.
- 4.6. The draft Policy has been considered by the Growth and Development Scrutiny Group, which provided Councillors with an understanding of the process and the opportunity for them to influence changes to be made to the Policy prior to adoption. This was a two-part process, the initial report was considered at the meeting of the Group on 25 August 2020, and the Policy amended to take account of the comments received, prior to the matter being reconsidered by the Group at the meeting held on 14 October 2020. The result of this process is the draft Policy, which is now before Cabinet for approval and agreement to undertake a consultation exercise, prior to adoption by Council.

## **5. Alternative options considered and reasons for rejection**

Enforcement Action is discretionary, and the Borough Council could choose not to adopt a Planning Enforcement Policy and determine the level of service it

wishes to deliver. However, as highlighted in the NPPF and above, effective enforcement is important in maintaining public confidence in the planning system. It is considered that the Policy would provide clear information on how the Council will deliver an effective enforcement service.

## **6. Risks and Uncertainties**

- 6.1. Failure to deliver an effective planning enforcement service and to respond promptly to complaints regarding alleged breaches of planning control can impact on public confidence in the planning service and the reputation of the service and the Council as a whole.
- 6.2. It is also important to ensure that the Policy is measured according to the constraints and requirements of the legislative framework and resources available to the Council. Setting false or undeliverable expectations could create negative reputational issues and lack of confidence in the planning process generally.

## **7. Implications**

### **7.1. Financial Implications**

7.1.1. The cost of the dedicated officers responsible for undertaking enforcement work and any additional costs such as court costs are contained within current budgets.

7.1.2. Where enforcement action is taken without justification or such action cannot be robustly defended, there may be a risk of an award of costs in the event of an appeal or claims for compensation, principally in connection with the service of a Stop Notice. It is not possible to provide an estimate of such costs as these will vary from case to case and will depend on the factors impacted by any action, e.g. cost of plant and machinery, lost earnings, cost of expert witnesses to defend appeals etc.

### **7.2. Legal Implications**

Enforcement action must be considered and where appropriate taken in accordance with the relevant legislation. Outcomes must be proportionate and in the public interest. To ensure a proportionate approach is taken, particularly before serving a temporary stop notice or a stop notice, the local planning authority must be satisfied that there has been a breach of planning control, and that the activity which amounts to the breach must be remedied or, in the case of a stop notice, stopped immediately and before the end of the period allowed for compliance with the related enforcement notice.

### **7.3. Equalities Implications**

The Council is committed to delivering all enforcement activities in accordance with its Equality and Diversity Policy and will embed the principles of that Policy

in its approach to its enforcement and regulatory functions. Therefore, the Council will treat all people equally and fairly.

#### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

Whilst there may be community safety implications associated with the delivery of the enforcement function, there are not considered to be any such implications associated with the recommendation and consideration of this report.

### 8. Link to Corporate Priorities

Quality of Life	Unauthorised development may give rise to impacts which may adversely affect the amenities and quality of life of residents which can be resolved by taking appropriate enforcement action where this is justified or in seeking to regularise unauthorised development through a retrospective planning application and the imposition of conditions which can mitigate the impact of development.
Efficient Services	The delivery of an efficient and effective planning enforcement service is consistent with the Council's corporate priority to transform the Council to enable the delivery of efficient high quality services.
Sustainable Growth	Sustainable development can be delivered through the preparation of development plan documents and the application of policies within the NPPF. The operation of an effective enforcement service can ensure that development is compliant with national and local planning policies and is therefore sustainable.
The Environment	Unauthorised development may give rise to impacts which may adversely affect the natural and built environment, impacts which can be resolved by taking appropriate enforcement action where this is justified or in seeking to regularise unauthorised development through a retrospective planning application and the imposition of conditions which can mitigate the impact of development.

### 9. Recommendations

It is RECOMMENDED that Cabinet approves the draft Planning Enforcement Policy for the purposes of public consultation, to last for a period of six weeks, prior to the Policy being referred to Council for adoption.



<b>For more information contact:</b>	Andrew Pegram Service Manager – Communities 01159148598 apegram@rushcliffe.goc.uk
<b>Background papers Available for Inspection:</b>	<p><i>The Corporate Enforcement Policy and the Rushcliffe Borough Council's Planning Enforcement Code of Practice. These documents are available on the Council's website at:</i></p> <p><a href="https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/">https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/</a> (Corporate Enforcement Policy is available under the heading Documents, policies and strategies)</p> <p>and</p> <p><a href="https://www.rushcliffe.gov.uk/planningandgrowth/enforcement/">https://www.rushcliffe.gov.uk/planningandgrowth/enforcement/</a></p> <p>The reports considered by the Growth and Scrutiny Group at their meetings held on 25 August 2020 and 14 October 2020 are also available on the Council's website at:</p> <p><a href="https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=269">https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=269</a></p>
<b>List of appendices (if any):</b>	Appendix 1 – Draft Planning Enforcement Policy

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## Planning Enforcement Policy

This policy statement relates to Rushcliffe Borough Council's (the Council's) Planning Enforcement service and will describe the purpose of the enforcement service and how the Council will deliver the service to the community.

The policy aims to provide an efficient planning enforcement service in support of the Council's statutory planning service in a clear, consistent, proportionate and open manner, in accordance with its [Corporate Enforcement Policy](#). It is recognised that establishing effective controls over unauthorised development assists in conserving the natural and built environment whilst helping to protect the quality of people's lives and maintaining the Council's integrity.

### Government advice and legislation

The revised National Planning Policy Framework (NPPF) was introduced in February 2019. Paragraph 58 of the Framework states that:

*“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate.”*

In addition to the statement made in the NPPF the Town and Country Planning Act 1990 provides the main legislative background regarding breaches of planning control along with the Planning Practice Guidance document entitled “Ensuring effective enforcement” which was published on 6 March 2014.

### The purpose of planning enforcement

The integrity of the planning service depends on the Council's readiness to take enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service.

The planning system is designed to achieve a balance between the rights of landowners to enjoy their property and protecting the amenity of neighbours and the general public. The enforcement of planning control focuses on proportionate resolution rather than punishing those who have acted in breach, sometimes unknowingly. It is expected that land owners and developers will observe the spirit of planning legislation and refrain from carrying out development until the necessary planning permissions have been obtained.

**The Council will not condone wilful breaches of planning control and will exercise its discretion to take enforcement action if it is considered expedient to do so. The Council will investigate alleged breaches of planning control, to determine whether a breach has, as a matter of fact occurred, and if it has, determine the most appropriate course of action.**

The key objectives of the enforcement policy:

- To provide an accessible service that maintains public confidence in the planning system;
- To provide a service that is both reactive and proactive in its commitment to remedy undesirable effects of unauthorised development;
- To provide a service response that is prioritised according to the harm or the potential harm caused by the breach;
- To provide a development monitoring service that is prioritised according to the scale and complexity of the development permitted; and
- To seek resolution of planning breaches through informal and formal action including, where appropriate, prosecution of offenders to uphold the integrity of the planning system.

What is a breach of planning control?

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 (the 1990 Act) as either:

- a) the carrying out of development without the required planning permission; or
- b) failing to comply with any condition or limitation subject to which planning permission has been granted.

(development undertaken which is not in accordance with approved plans would fall under b) above)

Important factors to consider include the extent of the powers of the planning service which is only concerned with 'development'. Section 55 of the 1990 Act provides the meaning of development as "...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

- a) For the purposes of 1990 Act, 'development' also includes demolition of buildings but DOES NOT include:the carrying out for the maintenance, improvement or other alteration of any building of works which—
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building,

A breach of planning control could involve such matters as the unauthorised erection of a building or extension to a building, a material change of use of land or breaches of conditions attached to planning permissions. Other matters that the Planning Enforcement Service might investigate include:

- The display of unauthorised advertisements;
- Works to Listed Buildings without the relevant consent;
- Unauthorised works to trees which are the subject of a tree preservation order (TPO) or are in a conservation area;
- Untidy land adversely affecting the amenity of the area;
- Failure to comply with a Section 106 agreement

## Matters that are not breaches of planning control

- Internal works to a non-listed building;
- Nuisances caused by odour, noise, light or vermin;
- Obstruction of a highway or public right of way (PROW);
- Parking of vehicles on the highway or on grass verges;
- Parking caravans on residential driveways or within the curtilage of domestic properties providing their use remains incidental to the enjoyment of the property;
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity;
- Land ownership disputes or trespass issues;
- Covenants imposed on property Deeds;
- Rights of access or access for maintenance to a property;
- Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) Order 2015 as amended and or substituted;
- The display of advertisements that benefit from deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (i.e. consent is granted by the regulations);
- Dangerous structures or other health and safety issues;
- High hedge disputes (dealt with by the Borough Council's Senior Design and Landscape Officer).

It is not the function of the planning authority to become involved in private neighbour disputes where no planning issue is evident. Additionally, it is not the Council's role to mediate in private legal disputes such as boundary disputes or damage to private property. Such cases will not be investigated as they are civil matters and the customers will be advised accordingly.

## Who to contact for non-planning issues

Many property and land issues may arise which are not the responsibility of, or within the jurisdiction of, the Borough Council. The following examples are provided as a guide and are not intended to be exhaustive or to cover every situation.

Internal works to a non-listed building are not development and not the responsibility of the Borough Council as Local Planning Authority. If the alterations are structural, these may fall under the remit of the relevant body which discharges the Building Regulations function, in the case of Rushcliffe this would be the East Midlands Building Consultancy (EMBC). EMBC would also be the responsible body for investigating dangerous structures.

Matters relating to nuisances caused by odour, noise, light or vermin would be dealt with by the Environmental Health department within the Borough Council.

Any matters relating to the highway, including obstruction of a highway or public right of way (PROW) or indiscriminate parking would be dealt with by the Nottinghamshire County Council as Highway Authority, or in some cases the police.

Other issues, such as restrictions imposed by legal covenants which may restrict the parking of caravans on domestic properties, the operation of a business from home, land ownership disputes and issues over rights of way or access to property for maintenance purposes, would be civil matters and advice may need to be sought from a solicitor.

## Enforcement action is discretionary

As outlined above, paragraph 58 of the NPPF advises that whilst effective enforcement is important to maintain public confidence in the planning system, enforcement action is a discretionary function.

It is important to note that, just because there may be a breach of planning control, this in itself may not be sufficient reason to take enforcement action. The Council must first decide, having given regard to the policies contained in its Local Development Plan, the National Planning Policy Framework (NPPF) and any other material planning considerations, whether or not it is '**expedient**' to take formal action.

The test of expediency requires a careful assessment of the nature and extent of the breach or breaches of planning control and the degree of harm they might be causing to the environment and/or amenity of the area. Therefore, enforcement action is **discretionary** and each case must be assessed on its own merits.

The NPPF also advises that councils should act proportionately with regard to suspected breaches of planning control. Generally, the use of formal enforcement powers should be a last resort, unless the extent and nature of the breach is such that it is causing unacceptable and irreversible harm. Typically the Council will give those responsible for a breach of planning control the opportunity to cease the breach of planning control or seek to regularise the breach before resorting to using its formal enforcement powers. Ultimately the use of such powers must be proportionate and commensurate to the breach of planning control.

**This means that the Council may not take formal enforcement action in all cases where there has been a breach of planning control identified.**

All complaints will be:

- Given a priority based on the Council's published priority table (see below);
- Investigated, including visiting the site where necessary in line with the published timescales contained in the policy document; and
- Pursued until such a time that the matter is satisfactorily resolved by one of the following:

- The breach is ceased/removed following informal negotiations with enforcement officers;
- The breach is regularised (either by the grant of retrospective planning permission or the taking of formal action);
- found to be lawful;
- A decision is taken that it is not expedient to pursue the breach formally.

In the event that a formal notice is served and there is a failure to comply with the requirements of the notice, it is an option for cases to be pursued through the Magistrates' Courts or higher court where necessary.

## How to report an alleged breach of planning control

The Council considers a large number of complaints each year concerning alleged breaches of planning control. In order that a complaint can be dealt with as soon as possible it is important to provide the Council with as much information as possible. Below is a list of the type of information that would assist the Council in dealing with a complaint:

- An accurate description of the exact location or address where the alleged breach is taking place;
- A detailed description of the activities taking place that are cause for concern;
- Where known, the names, addresses and phone numbers of those persons believed to be responsible for the alleged breach or the land owner's details;
- The date and times of when the alleged breach first took place and whether it is ongoing;
- If the complaint relates to a material change of use of the land, a description of the previous use and condition of the land;
- Any other information or evidence that may be able to assist (eg: photographs, vehicle registration numbers);
- The complainant's name, telephone number and address or e-mail address;

Complaints about alleged breaches of planning control will be accepted by either:  
 e-mail; via the Council's website;  
 letter;  
 telephone; or

in person at the Rushcliffe Customer Service Centre or one of our Contact Points, provided the complainant provides their name, address and telephone number.

It is important for the Council to hold the details of the complainant so that the outcome of the investigation can be communicated to them, or if additional information is required during the course of the investigation. The details of the complainant are normally treated as confidential; however, in some circumstances this may not be possible particularly when matters progress to court and the complainant may be required to give evidence and/or details of the complaint must be disclosed.

The substance of enforcement complaints are not in themselves confidential. In some cases it may be necessary to rely on evidence from complainants in order to take action and the complainant would need to consider whether they are willing to assist the Council by collecting evidence and potentially acting as a witness at an appeal or

in Court. A planning enforcement officer will explain what may be required in these cases.

Once a breach of control has been established, the complainant may be asked to make a note of your observations and keep a log of any relevant activities. It is particularly useful to note times, dates, names, addresses, telephone numbers and registration details of any vehicles involved.

**Anonymous complaints** will not normally be investigated. Complainants who do not wish to give their personal details will be advised to contact either their Ward Councillor or their parish council who may then raise their concerns on their behalf.

**Vexatious, malicious or repeated** complaints that do not have any substantive planning basis will not normally be investigated.

**Abusive or unreasonable complainants** The Council will not tolerate any insulting, threatening words or behaviour towards its staff at any time, either in person or via any other means. Any abusive telephone calls will be terminated.

## How will we prioritise complaints?

In order to make the best use of resources available it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the Council following receipt of the complaint. However, this may be subject to change following a site inspection or when further information comes to light.

### Priority Categories

#### **Priority 1 (High)**

Development causing significant and irreversible damage to the environment or amenity. Typical examples are:

- Unauthorised works to, or demolition of a listed building or building within a Conservation Area.
- Unauthorised works to trees protected by a Tree Preservation Order or in a Conservation Area.
- Unauthorised development close to or within a Site of Special Scientific Interest (SSSI).
- Large scale engineering operations within the Green Belt.
- Breaches of statutory planning notices such as Enforcement Notices.

#### **Priority 2 (Medium)**

Development causing less significant but continued harm to the environment or amenity, time-sensitive breaches or development that compromises public safety. Examples include:



- Large-scale unauthorised engineering/construction works where a significant impact is felt over a wide area.
- Substantial operational development in the Green Belt.
- Unauthorised changes of use causing significant harm to the amenity of an area, for example car repairs business from a residential property.
- Unauthorised vehicle accesses causing significant risk to highway safety.
- Development/operations which are not in accordance with approved plans/conditions of a planning permission.

### **Priority 3 (Routine)**

Development causing a limited degree of disturbance to local residents or damage to the environment. Examples include:

- Unauthorised operational development which would be likely to receive planning permission.
- Unauthorised fences/walls/gates (unless public safety is compromised/attached to or adversely affecting the setting of a listed building).
- Unauthorised telecommunications equipment/satellite dishes/equipment on residential dwellings.
- Display of advertisements not causing significant harm to amenity or public safety.

### **Timescales for investigations**

Enforcement officers will endeavour to carry out an initial site visit for The Priority 1 cases within 1 working day. Priority 2 cases within 5 working days Priority 3 cases within 10 working days.

Each complaint will be allocated a Priority upon receipt based on the information available at that time. Complaints will be re-categorised should further information become available which suggests a quicker response time is more appropriate.

### **What are the possible outcomes of an investigation?**

**No breach established** – Following an initial site visit it may be found that there is no breach of planning control because, for example, the activity or operations do not amount to development, the unauthorised use has ceased or the development already has planning permission or is permitted development.

**There is a breach of planning control but not considered expedient to pursue** – Just because a breach may exist does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches or circumstances where the development is considered acceptable (i.e. planning permission might be granted) may not be considered expedient to pursue as it may be considered to be ‘de minimis’ or not in the public interest to warrant pursuing.

**The development is lawful and immune from enforcement action** - This is when the unauthorised development or unauthorised change of use has occurred over a long period of time without being brought to the attention of the Council. There are

certain time limits involved in relation to operational development and changes of use. Enforcement action cannot be taken against developments which are immune under planning legislation due to specific time limits which are:

- 4 years for unauthorised operational development or change of use of a building to use as a single dwelling house;
- 10 years for a material change of use of land and buildings or a breach of a condition imposed on a planning permission.

**NB:** Where it appears that a person has deliberately attempted to conceal a breach of planning control in order to achieve immunity from enforcement action, the Council can apply to the Magistrates' Court for a "Planning Enforcement Order" in respect of the breach. If granted, the Order allows the Council up to a year to take formal enforcement action against the apparent breach. Such circumstances are normally very rare and the Council must be satisfied that there has been a deliberate attempt to conceal the breach of planning control.

**Negotiations take place to find a solution** – In accordance with Government guidance the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The Council will not, however, allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.

**Lack of Evidence** - In some cases it may not be possible for the Council to confirm that the alleged breach is taking place. In such cases, complainants will be asked to assist in providing evidence that could be used at both the appeal stage and at any subsequent legal proceedings. A lack of sufficient evidence may result in no action being taken.

**Invite a retrospective application** - In accordance with Government advice the Council will firstly seek to negotiate an amicable solution to any confirmed breach of planning control. By entering into negotiations with the parties involved, a solution may be found which could involve the cessation of any unauthorised change of use or building operations, the removal of any unauthorised building works or items constituting a material change of use of land, the remedy of any breach by the submission of a retrospective planning application.

A retrospective application will be invited where it is considered that there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where unacceptable impacts of development could be mitigated or a development may be made acceptable by way of the imposition of conditions.

Minor or technical breaches of planning control may not be pursued in the event that a retrospective application has been requested and not submitted or where it is not considered expedient or in the public interest to do so.

## Formal Action

The Council has a range of formal powers under the Town and Country Planning Act that it can use to remedy breaches of planning control. More information on these powers can be found at Appendix 1:

In addition to the powers detailed above, the Local Planning Authority also has powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to serve a repairs notice or require urgent works to be undertaken in the interests of preserving a listed building/structure.

Further information is available in The National Planning Practice Guidance (NPPG) (<https://www.gov.uk/guidance/ensuring-effective-enforcement#planning-enforcement--overview>)

In addition to the above further action is available including taking direct action to remedy a breach or to instigate prosecution proceedings in The Magistrates' Courts for non-compliance with a formal notice where it is deemed necessary to do so.

The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence. In exceptional circumstances surveillance may be considered to investigate an alleged breach, in these circumstances the Regulation of Investigatory Powers Act 2000 (RIPA) and the Council's policy will apply

## What happens if an allegation is made against you?

If a complaint is received that affects you, the first thing that will happen is either you will be contacted (where your details are known to the Council) or the site in question will be visited by an enforcement officer. The purpose of this initial visit is to establish the facts of the case and whether there is any basis to the allegations made. The officer will, where necessary, take measurements and photographs of the development or activity taking place. This site inspection may be undertaken without any prior notification.

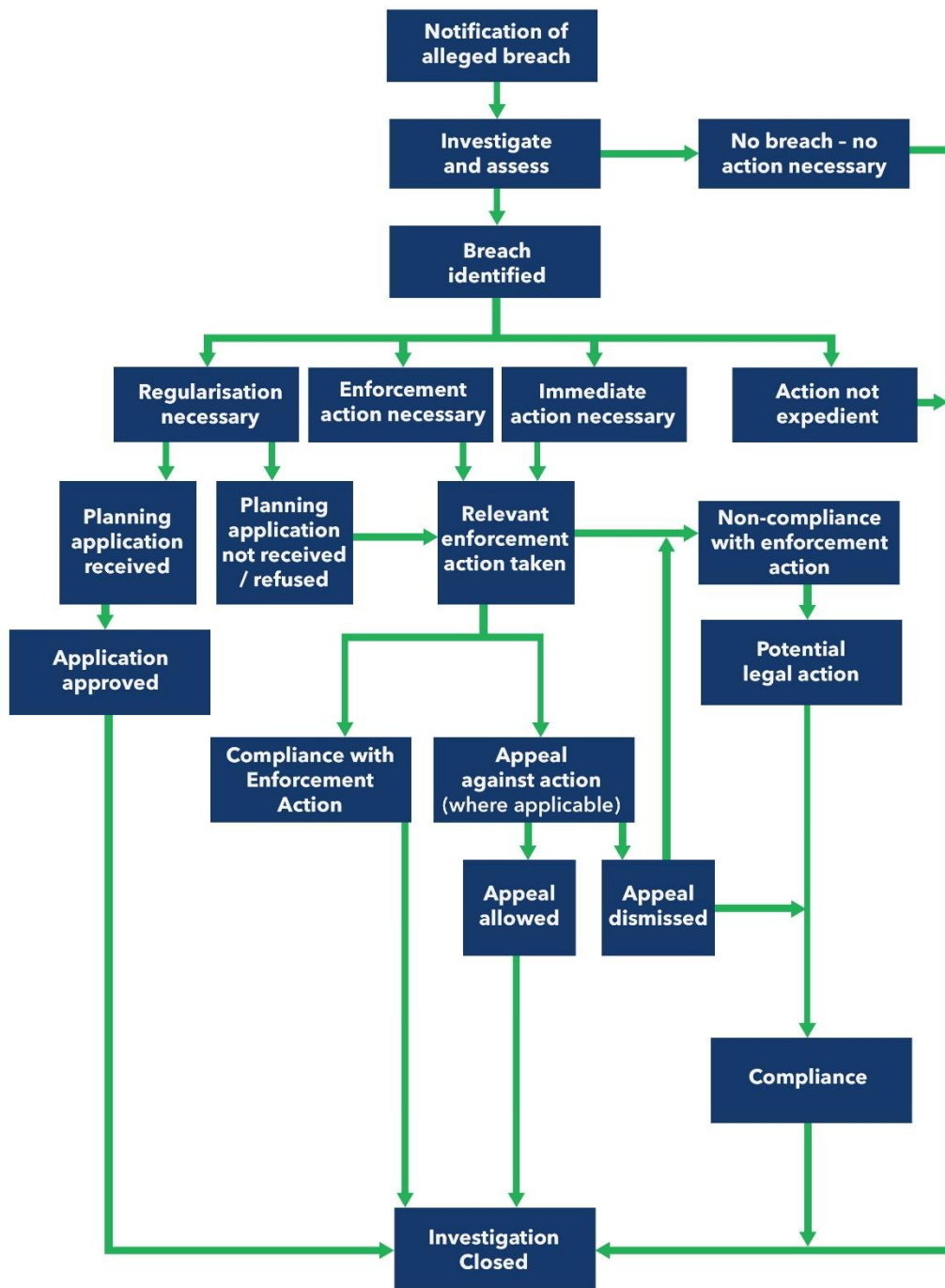
If it is established that a breach of planning control has occurred you will be advised of the details of the breach and of what steps that need to be taken to either rectify the breach or regularise the situation.

You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application, formal action may be instigated.

The Council will seek to avoid long drawn out negotiations intended to hold the council back from taking formal action. In many cases, particularly where the works are likely to be acceptable, you may be invited, without prejudice, to submit a retrospective planning application. In cases where pre-commencement conditions have not been discharged, you may still be able to apply to discharge the condition providing the permission has not lapsed. Alternatively, you may need to submit a new planning application.

If you are served with a formal notice, the enforcement officer can help to explain the general meaning of the notice and assist you to understand its implications. However, the Council's enforcement officers cannot act as your advisors and cannot make decisions on your behalf. In such circumstances you are strongly advised to also seek your own independent legal advice.

The process for dealing with allegations of unauthorised development is set out in the flowchart below:



## **Power of entry onto land**

Section 196 of the Town and Country Planning Act (as amended) and the Planning (Listed Buildings and Conservation Area) Act 1990 gives officers of the Council the power to enter land and/or premises at all reasonable hours in order to undertake his/her official duties. Wilful obstruction of a person exercising a right of entry is an offence.

The above does not allow the admission to any building used as a dwelling house to be demanded as a right by virtue of the aforementioned legislation, unless twenty four hours prior notice of the intended entry has been given to the occupier of the building.

## **Proactive Development Monitoring**

Paragraph 58 of the NPPF requires councils to, whilst setting out their Enforcement Plan, set out how they will monitor the implementation of planning permissions being developed out within their area.

Rushcliffe Borough Council is currently delivering a large amount of development as part of our adopted Local Plan and these developments, usually of a large scale, are mostly located close to existing settlements and therefore have potential to impact on the amenities of existing residents during the construction phase. Furthermore, developers are often required to implement various environmental safeguards and enhancements as part of their development package which must be delivered in a timely fashion, as controlled by the planning permission. For many larger scale developments, financial obligations or infrastructure are also secured and the payment of these funds or the delivery of the infrastructure is often provided for by complying with the requirements of the Section 106 Agreement.

For these reasons the Council operate a proactive development monitoring service to ensure that developments are carried out strictly in accordance with the restrictions, limitations and requirements of the planning permissions, including any conditions imposed on the consent as well as any obligations secured through a Section 106 Agreement. The Council will achieve this by:

- Actively monitoring the progress of developments, including commencement and occupation levels;
- Ensuring that, where appropriate, developers provide details and information secured by condition and through Section 106 Agreements in accordance with the required timescales of the planning permission;
- Ensuring that the development is carried out in accordance with the approved plans/details and that this is achieved within the agreed timescales; and
- Ensuring that all financial obligations are secured and collected as required by the planning permission.

The Council consider and make decisions on over 1600 planning applications and related submissions per annum and, therefore, it would not be possible to proactively monitor all developments within the Borough. Larger sites have the potential to cause the greatest level of disturbance to residents and to the wider environment if they are not developed out in accordance with their planning permissions. For this reason, the Council will normally proactively monitor residential development of 50 dwellings or

more. Other development types such as commercial/leisure development will be reviewed on a case by case basis only.

Certain elements of the development such as the adoption of roads and sewers as well as occupier contributions to fund management companies are not controlled through the planning permission and therefore sit outside of the remit of the Borough Council.

Through the proactive monitoring of development sites the Council will, when a breach is identified, investigate the breach in accordance with monitoring and timescales explained earlier in this policy. As with reactive planning enforcement and in line with national planning policy guidance, not all breaches of planning control will result in formal enforcement action. Each breach will be investigated and considered on its own merits appropriately considering the level of harm arising from the breach. Carrying out proactive compliance in this way should result in a reduction in the number of retrospective enforcement complaints received.

### **Human Rights Act**

When making decisions relating to enforcement activity officers will have regard to the Human Rights Act 1998.

### **How you can help us**

If you are unsure as to whether planning permission is required, please contact Planning and Growth for advice **before** starting work.

If you already have planning permission, check to see if any conditions must be satisfied **before** starting work and ensure you build in accordance with the approved plans. If you want to make any changes please contact Planning and Growth **before** carrying out work which deviates from or is not shown on your approved plans.

### **Complaints about the service**

If you are unhappy about the level of service you have received from the Planning Service or how the process has been managed, then you may firstly discuss your concerns with the Principal Planning Officer (Monitoring and Implementation) or take it further through the Council's Corporate Complaints Procedure by writing to the Service Manager (Communities) at the address below. Following the initial investigation of your complaint, you may ask for the matter to be escalated to the second stage of the Council's complaints procedure. If, after the matter has been through the Council's complaints procedure you remain unhappy, you may then write to the Local Government Ombudsman who may investigate your concerns. However, please note that the Local Government Ombudsman will only become involved if the matter has been considered under the Council's complaints procedure.

You can contact us:  
by telephone on 0115 981 9911

by e-mail at [planningandgrowth@rushcliffe.gov.uk](mailto:planningandgrowth@rushcliffe.gov.uk)

by post to: Planning and Growth Manager  
Rushcliffe Borough Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG

## APPENDIX 1

### Summary of enforcement powers

This Appendix contains a summary of the main formal enforcement powers available to the Council when investigating enforcement enquiries and dealing with breaches of planning control. In each individual case the Council must assess which action or combination of actions is best suited to dealing with the particular breach of planning control in order to achieve a satisfactory and cost-effective remedy. Most of these powers are contained within the Town and Country Planning Act 1990 (*"The 1990 Act"*). Furthermore, the Borough Council has other powers at its disposal which may be the responsibility of other areas of the Council, e.g. Environmental Health, and the most appropriate powers or combination of powers may be used to address a situation.

### Requests for Information Notices

#### **Planning Contravention Notice (PCN) (Section 171C of the 1990 Act)**

This can often be the first formal step in resolving a breach of planning control. It is the main method for gathering further information regarding suspected breaches of planning control. The intention of a PCN is also to send a clear warning that further formal action is being considered once the facts of the case have been established.

#### **Section 330 Notice (Section 330 of the 1990 Act)**

This power is also used to obtain information, although usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a formal notice on occupiers and/or persons with other interests in the premises or land.

**NB: For both of these notices it is an offence to fail to comply with the requirements of the notice within the period set for its return OR to make false or misleading statements in reply.**

### Formal Enforcement Notices

#### **Enforcement Notice (EN) (Section 172 of the 1990 Act)**

This is the most common form of notice used to deal with a breach of planning control. It is served when the Council is satisfied that there has been a breach of planning control and that it is expedient to take action. An EN will allege the breach or breaches of planning control that has or have taken place, the steps that must be taken to remedy that breach or breaches, and specify the time period for compliance with the requirements of the notice.

An EN does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal with the Secretary of State. An appeal stops the notice taking effect until the appeal is determined. If an appeal is lodged all complainants and immediate neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate.



**Failure to comply with the requirements of an EN once it has taken effect is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine of up to £20,000 or an unlimited fine on conviction in the Crown Court.**

**Breach of Condition Notice (BCN) (Section 187A of the 1990 Act)**

Can be used as an alternative to an EN but only in circumstances where there has been a failure to comply with certain conditions placed on a planning permission. (It does not apply to breaches of control relating to listed buildings, advertisements or protected trees). A BCN will specify details of the breach and the steps required to secure compliance. Unlike an EN, there is no right of appeal against a BCN and it takes effect immediately. However, a minimum period of 28 days has to be given for compliance.

**Failure to comply with the requirements of a BCN is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £2,500.**

**Stop Notice (SN) (Sections 183 & 184 of the 1990 Act)**

Used alongside the serving of an EN, when the effects of continued unauthorised activity are seriously detrimental to amenity, public safety or causing irreversible harm to the environment an immediate action to stop the activity is justified. This notice can be used to ensure that the activity does not continue during the time before the EN takes effect or when an appeal is lodged against the EN.

SN's are normally only used in very exceptional circumstances as there can be significant compensation liabilities against the Council if the EN is subsequently quashed.

**Failure to comply with the requirements of an SN is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £20,000 or an unlimited fine on conviction in the Crown Court.**

**Temporary Stop Notice (TSN) (Section 171E-H of the 1990 Act)**

As with SN's, TSN's are normally only used in exceptional circumstances. Unlike an SN, however, a TSN can be served without first having to serve an EN. However, TSN's can only seek cessation of activity for a period of 28 days and so will only be applied where the serious breach needs to be stopped immediately whilst the Council considers whether an EN needs to be issued.

**Failure to comply with the requirements of a TSN is also a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £20,000 or an unlimited fine on conviction in the Crown Court.**

**Planning Enforcement Order (Sections 171BA to 171 BC of the 1990 Act)**

Used where the normal time periods for immunity, a period after which enforcement action cannot be taken, has passed. Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action have expired. A Planning Enforcement Order enables an authority to take action in relation to an apparent breach of planning control, notwithstanding that the time limits may have expired.

**Untidy Land Notice (ULN) (Section 215 of the 1990 Act)**

The Council has the power to issue a ULN on the owner or occupier of land if it appears that the amenity of the area is adversely affected by the condition it is being kept in. A ULN may deal with buildings as well as land and would specify the steps required to remedy the existing condition and within what time scale. The recipient of ULN can appeal against it to the Magistrates' Court.

**Failure to comply with a ULN is an offence which, on conviction in the Magistrates' Court, can lead to a fine up to £1,000 on conviction. The Council may also use its direct action powers (see below) to enter the land and carry out the requirements of a ULN that has not been complied with.**

#### **Tree Replacement Notice (TRN) (Section 207 of the 1990 Act)**

If a tree that is protected by a Tree Preservation Order is removed, uprooted or destroyed in contravention of the Order there is a duty on the landowner to plant a replacement tree of appropriate size and species in the same place. Where the landowner does not comply with this duty, the council has the power to serve a TRN requiring them to plant a replacement tree or trees. The TRN will specify the species and size of tree or trees to be planted and also the time period for compliance. A TRN does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal to the Secretary of State. An appeal stops the notice taking effect until the appeal is determined.

#### **Works in Default Powers (ie: Direct Action)**

The Council may enter land and carry out the required works to secure compliance when an EN, ULN, LBEN (see below) or TRN has taken effect but has not been complied with. There is no requirement to give notice to either the owner or occupier of the land and anyone who wilfully obstructs the exercise of these powers is guilty of a criminal offence. The costs of the works in default can be recovered from the landowner or a legal charge placed on the land.

#### **Other Enforcement Powers**

##### **Prosecution**

###### *Unauthorised works to a Listed Building.*

Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to demolish a listed building or to carry out works/alterations which affect its character without the Council's prior written consent. Where such works have taken place without permission the Council may prosecute anyone who is found to have executed the work or to have caused the work to be executed.

It is also an offence to demolish unlisted buildings/structures in a Conservation Area (subject to some exceptions) without planning permission.

**The penalty on conviction in the Magistrates Court for this offence could be imprisonment for up to six months or a fine of up to £20,000 or both. The penalty on conviction in the Crown Court for this offence could be imprisonment for up to two years or an unlimited fine or both.**

###### *Unauthorised works to protected trees.*

Under section 210 of the 1990 Act, it is a criminal offence to cut down, uproot, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order or in a Conservation Area. Consent from the Council also has to be obtained for any remedial works to a protected tree such as lopping or pruning. Where such works have taken place without consent the Council may prosecute anyone who is found to have carried out the work or anyone who has caused or permitted the work to be carried out.

**The penalty on conviction in the Magistrates Court for this offence could be a fine of up to £20,000. The penalty on conviction in the Crown Court for this offence could be an unlimited fine.**

#### *Display of Unauthorised Advertisements.*

Under section 224 of the 1990 Act it is a criminal offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**The penalty on conviction in the Magistrates Court for this offence could be a fine of up to £1000.**

#### **Injunctions (section 187B of the 1990 Act)**

In exceptional cases where there is a necessary and serious need to restrain an actual or apprehended breach of planning control, the Council can apply to the County Court or High Court for injunctive relief. An injunction can be sought whether or not any other enforcement action(s) has been taken.

Injunctive action can be very costly and is normally only considered as a last resort where other enforcement action is unlikely to resolve a breach. If successful the Council will obtain an Order from the Court restraining the breach of planning control against the landowner and even against persons unknown.

**If a person fails to comply with an injunction they can be committed to prison for contempt of court.**

#### **Listed Building Enforcement Notice (LBEN)**

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has the power to issue a Listed Building Enforcement Notice where unauthorised works have been or are being carried out to the listed building without Listed Building Consent. As with a standard Enforcement Notice, a Listed Building Enforcement Notice will specify the nature of the unauthorised works, the steps that must be taken to restore the building to its former state or, where this is not possible, any further remedial works that are considered necessary. The notice will also specify the time period for compliance with the requirements of the notice and may specify a different time period for each different step that is required to be undertaken. A Listed Building Enforcement Notice does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal to the Secretary of State. An appeal stops the notice taking effect until the appeal is determined. If an appeal is lodged all complainants and immediate neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate

**Failure to comply with a Listed Building Enforcement Notice that has taken effect is a criminal offence which, on conviction in the Magistrates' Court, can**

**lead to a fine of up to £20,000 or an unlimited fine on conviction in the Crown Court.**



**Cabinet**

**Tuesday, 8 December 2020**

**Covid 19: Response and Recovery**

## **Report of the Chief Executive**

### **Portfolio Holder for Strategic and Borough Wide Leadership Councillor S J Robinson**

#### **1. Purpose of report**

- 1.1. Following the report of the Chief Executive to Cabinet on 12 May 2020, this report is to update the Cabinet on work completed to date on response and recovery due to the Covid 19 pandemic.
- 1.2. The report is not intended to provide an update on the financial impact of Covid 19 on the Council; this has been provided in other reports to Councillors in September and November 2020.
- 1.3. This report, and its appendices, covers both the internal work (that which relates directly to Council services) and external work (what has been done to support the local economy and community). The external work includes the work of the Nottinghamshire Local Resilience Forum, which the Council has been an active and leading participant in.
- 1.4. The report also reflects the fact that despite the ongoing unprecedented challenge we face with Covid 19, the Council has continued to progress some of our key strategic projects including the leisure centre and office development at Chapel Lane and the Crematorium.
- 1.5. The report also details at Appendix B the Covid Business Grants Support Policy linked to the council area coming under Tier 3 and then National Covid Restrictions. The details of the grants were agreed following national guidance and discussions across all the districts in Nottinghamshire and in consultation with both of the Portfolio Holders for Finance and Business and Economic Growth. The scheme was launched on 13 November 2020. The Chief Executive and S151 Officer signed off the scheme as a delegated decision under Urgency Powers within the Council's Constitution in order that the delivery of the scheme be achieved without delay.

## 2. Recommendation

It is RECOMMENDED that Cabinet notes:

- a) the work of the officers of the Council and partners in responding to and supporting the recovery from Covid 19; and
- b) the terms of the Covid Business Grants Support Policy.

## 3. Reasons for recommendation

- 3.1. This report is an update on the work done by the Council in responding to and supporting recovery due to the Covid 19 pandemic. It is important to reflect on the work that has been done, but also to consider the future and the priorities for the Council over the next one to two years.
- 3.2. The report is correct at the time of writing but as we have experienced, the situation can change quickly. It is important, therefore, that we remain flexible and responsive to these new challenges and the report reflects the need to do this.

## 4. Supporting information

- 4.1. The report presented to Cabinet in May 2020, provided an update on the work done by the Council in response to the impact of Covid 19. This included the closure of some facilities (contact points, leisure and community centres), the distribution of business rates grants and the redeployment of staff to support the continued delivery of frontline services.
- 4.2. Since May, the Council has continued to adapt and respond to the changing regulations on Covid 19. The restrictions in place were gradually lifted and then reintroduced in recent weeks in response to rising number of cases in Nottinghamshire and then the country as a whole. The following sets out the changes in regulation in chronological order since the previous report in May 2020:

**Table 1**

<b>National lockdown measures begin to ease</b>	
15 June	non-essential retail reopens
4 July	hair dressers/barbers and hospitality industry reopens
11 July	outdoor pools can reopen
13 July	Beauty salons (restricted to treatments not involving high risk areas e.g. face), nail bars, tattoo and massage studios, physical therapy businesses and spas can reopen
25 July	Leisure centres, Indoor pools and gyms can reopen
13 August	Additional close contact services able to reopen
24 September	Rule of 6 introduced and pubs/restaurant closures at 10pm
<b>New Tier system announced (12 October)</b>	
14 October	Nottingham and Nottinghamshire enters Tier 2:

	<ul style="list-style-type: none"> <li>• No meeting indoors with people from outside your household (unless in support bubble) including in restaurants/bars</li> </ul>
30 October	<p>Nottingham and Nottinghamshire enters Tier 3:</p> <ul style="list-style-type: none"> <li>• Personal care services closed</li> <li>• All hospitality venues to close unless they are serving a substantial meal</li> <li>• No meeting indoors or outdoors (in private garden or public venue e.g. pub) with people from outside your household (unless in your support bubble)</li> <li>• Alcohol sales from off licence premises prohibited after 9pm</li> <li>• Betting shops, car boot sales and auction houses must close.</li> <li>• Indoor entertainment and tourism venues must close, except for ice-skating rinks, cinemas, concert halls, and theatres.</li> <li>• Saunas and steam rooms must close.</li> <li>• Leisure and sporting facilities can remain open. It is strongly advised that indoor group exercise classes (including dance and fitness classes) should not take place.</li> </ul>
<b>5 November</b>	<b>National Lockdown, for four weeks overriding the Tier 3 measures</b>

4.3. In September and October, the number of cases began to rise in some areas and local lock down measures were put in place across the country. In response to this, the Government introduced the three-tier system from 14 October. Due to the infection levels in Nottingham and Nottinghamshire at the time, the area was placed in Tier 2. However, infection rates and hospital admissions continued to rise and so the area was placed in Tier 3 on 30 October. This meant (as outlined above) further restrictions some of which were national and some locally agreed restrictions e.g. no alcohol sales after 9pm from off licenses.

4.4. Despite efforts to avoid it, increasing levels across the country and projections of peaks higher than in the first lock down, Government placed the country in a national lockdown on 5 November. It is intended that this will end on 2 December, but this will depend on decreasing rates across the country. If the national lockdown is lifted areas will be placed back into a tier system. At the time of writing, it is not known which tier Nottingham and Nottinghamshire will be placed in or if the tiers will be the same as previously, but plans are being progressed to ensure we are as ready as we can be for what comes next.

### **Impact of Covid 19**

4.5. The impact of Covid 19 on the global, national and local economy is significant, but the full impact is not yet known as business support packages currently in place, e.g. furlough, could be delaying future unemployment challenges and restrictions remain in place for the foreseeable future. Areas across the world continue to be in local or national lockdowns.

- 4.6. The D2N2 Local Enterprise Partnership has pulled together a group of analysts from the local universities, colleges, local authorities, business groups and Government to help understand the [impact of Covid 19 on our local economy](#).
- 4.7. Data on this is included in Appendix C however some headlines for Rushcliffe are:
- -38.1% decline in Gross Value Added<sup>1</sup> in Quarter 2;
  - 183% increase in unemployment claimants when comparing February (1030) with August 2020 (2480);
  - 30% of the employed population are furloughed (July 2020); and
  - Across D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) the claimant rate in September 2020 is 80,570; the last peak was in September 2011 when the count was 54,710.
- 4.8. Prior to the second national lockdown, business indicators had started to look more positive as the manufacturing and service sector saw an increase in demand in August 2020. However, the second national lockdown will have an impact on that, but data on that impact is not yet available.
- 4.9. The D2N2 Growth Hub have also done a business survey to further understand the impact of Covid 19 on local businesses. In August:
- 82% of respondents were trading;
  - 62% furloughed staff (compared to 71% in the period from April to August), and 13% made staff redundant (compared to 6% in period from April to August); and
  - 55% of respondents report a severe decline in sales (over 50% decline).
- 4.10. A key area of concern from the growth hub survey is businesses reporting an issue with cash flow prior to the second national lock down. It is unclear at this stage what the impact of this lockdown will have on viability for those businesses.

### **Local Resilience Forum**

- 4.11. The Local Resilience Forum (LRF) is a partnership of all local agencies that have a part to play in planning for and responding to major emergencies. Partners include 'blue-light' emergency services, local authorities, health services and others. The purpose of the LRF is to ensure effective multi-agency collaboration in the delivery of duties under the Civil Contingencies Act. Alongside this, the aim of the LRF is to establish and maintain effective multi-agency arrangements to respond to major incidents and emergencies, and to minimise the impact of those incidents on the public, property and environment of Nottingham and Nottinghamshire.

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<sup>1</sup> GVA is one way of measuring economic output which is used by researchers to measure the contribution made to the economy by individual producers, industries, sectors or regions. The figure is a quantitative assessment of the value of goods and services produced minus the cost of inputs and materials used in the production process.



- 4.12. The multi-agency Local Resilience Forum response to any emergency is led by a Strategic Co-ordinating Group (SCG) chaired by the Police. The aim of the Covid 19 SCG is to establish and maintain effective multi-agency arrangements to respond to the pandemic. The group have been meeting since 13 February 2020. The agreed Covid 19 principles of the SCG are:
- Saving and protecting human life;
  - Containing the emergency – limiting its escalation or spread and mitigating its impacts;
  - Providing the public with proportionate advice and information, in line with national advice and guidance;
  - Restoring life to a new normality, for as many people as possible, as fast and as fairly as possible;
  - Ensuring plans are in place to maintain normal services at an appropriate level should the situation escalate;
  - Reducing harm; and
  - Protecting the health and safety of all staff.
- 4.13. Planning work is informed by the government’s revised ‘Reasonable Worst Case Scenario’ (RWCS) Planning Assumptions. These are a scenario to use as a basis for planning rather than a prediction of what will happen. Specific details from the RWCS have been made available to those colleagues and partners who lead local planning work for Covid 19 response and recovery.
- 4.14. The management structure for Covid 19 response is shown at Appendix A.
- 4.15. Officers from Rushcliffe Borough Council have been active participants in the weekly Strategic Coordinating Group and Tactical Coordinating Group (TCG). With a range of officers sitting on the subgroups set up following pre-prepared LRF plans and to focus on key work areas. Rushcliffe Borough Council currently co- chair the Local Authorities group to help lead and shape the work.
- 4.16. Due to the long running nature of this incident response and recovery work is running concurrently. The recovery structure was stood up in May, and both structures and set of staff coordinate their activities through the SCG.

## **Recovery**

- 4.17. The LRF Recovery Co-ordinating Group (RCG) was established with the strategic aim to support Nottinghamshire communities, businesses and public services, to recover from the impacts of Covid 19. The group is also aiming to advance long term opportunities for better physical and mental health, tackling climate change, better health outcomes and founding a sustainable fast-growing local economy. The recovery strategy is based on key themes of:
- health and care;
  - humanitarian and community;
  - business and economy; and
  - transport and infrastructure.

- 4.18. The initial focus of the strategy is on immediate recovery with a view to longer term renewal across the City and the County. This is accompanied by an Action Plan for delivery by partners working together through recovery subgroups. The LRF management structure for Covid 19 recovery is shown at Appendix A.
- 4.19. To support the response and recovery at a Rushcliffe level, the Council established groups of relevant officers to lead and coordinate this work. Initially this was a Covid Internal Response Team which then became a Covid Internal Recovery Team. A Covid External recovery team was also established. Both of these groups report into a Covid Executive Management Team meeting, which currently meets on a weekly basis.

### **Track and trace and mass vaccinations**

- 4.20. In addition to the national contact tracing service the County Council now undertake further telephone work with potential case contacts and work is underway as part of the Contain framework for district and borough councils to provide additional support and information to maximise the overall contact tracing effort.
- 4.21. The Council will support this activity more directly in more complex outbreak settings for example in the hospitality sector however the data continues to show that general community spread particularly amongst households remains the biggest issue. In addition to the standard testing programme it has also been announced that the more rapid tests or Lateral Flow Tests will be made available for Public Health Directors to deploy. The approach currently being adopted by the County Council is likely to involve the rolling out of such tests to key cohorts and groups in a very targeted way unlike the mass testing that has been taking place in Liverpool.
- 4.22. There has been significant coverage in the media about a mass vaccination programme using the recently developed vaccines some of which are still to be fully tested and approved for use. This will be a significant programme of activity that is likely to commence before the end of the year and is being led by the NHS but with the full support of the LRF given the scale of the task. It is understood that priority will be given to the elderly and vulnerable groups and those working in the health and care sector before a tiered roll out to the rest of the population next year.

### **RBC internal response/recovery group**

- 4.23. The Internal response/recovery group is in place to ensure the continued operation of the Council to support things such as the redeployment of staff, ensuring the Arena, Depot and other Council work places are covid secure, introducing necessary new policies and procedures for managing and supporting staff, managing the closure of Council owned community buildings and parks etc (as required) and supporting staff to work remotely.
- 4.24. With immediate effect at the end of March, all staff that could were encouraged to work from home, Rushcliffe was in a strong position to support this with the

IT systems already in place to support remote working. In addition, all face to face meetings were cancelled including council meetings. These are now operating via Zoom and Teams and work is well underway to implement a hybrid meeting solution. This would enable people to access meetings remotely if they wish to or attend in person if they are able to.

4.25. The Arena has remained open for officers to work from through the pandemic but use has been restricted to 40 desks (there are 120 available in total) which have to be booked. This helps ensure social distancing can be maintained and the Arena is a Covid secure environment. In addition, the desk booking system supports track and trace should there be a positive case.

4.26. The Council have maintained a high level of service delivery since the start of the pandemic, shifting resources where required. To date, the direct impact of Covid 19 on the Council in terms of staff sickness or those self-isolating has been, of the approx. 260 employees:

- nine employees have had Covid 19; and
- 56 self-isolating (this includes those that isolated and continued to work and those who did not work).

4.27. There has been an increase in demand in many areas including Environmental Health who have supported and enforced business compliance through the numerous changes in regulation (as outlined in table 1). Increased demand has also been seen in Revenues, Benefits and Finance supporting the payment of grants to businesses and residents. In addition, the waste and recycling teams have seen an increase in the waste collected due to most of us being at home much more than ever before:

- Glass recycling tonnage collected average is around 250 tonnes per month but is now at 300 tonnes; and
- Tonnages in grey and blue bins increased by around 10%.

4.28. Due to the national restrictions the leisure centres were closed from the end of March 2020 until 25 July 2020. The centres were once again closed due to National lockdown in place from 5 November. The significant financial impact of this has been covered in other reports. Officers from the Council are working closely with colleagues from Parkwood and Mitie to support the safe reopening of the leisure centres. This has included regular meetings and site visits during lockdown to discuss re-opening plans and phased re-introductions of sports as guided by national governing bodies Discussions were held with the indoor bowling club and a decision made to cancel their bowling season to allow for easier use of the area to accommodate larger group classes. Officers have continued to carry out checks when open on cleanliness and compliance in line with with covid secure workplaces and have been receiving regular reports on usage, customer feedback and plans on how certain age groups can be encouraged to return as in certain age groups memberships remain frozen and are yet to be re-activated. Customer feedback has also been regularly reviewed through social media channels. The Council was successful in obtaining Sport England funding to appoint Knight Kavanage and Page as a specialist

consultancy firm to support the work we were doing with our leisure providers, provide challenge and industry specific knowledge. KKP have recently highlighted some of the work Rushcliffe have been doing as an exemplar of good practice when comparing with other councils they are also supporting.

- 4.29. Performance reporting has been updated to highlight areas where it is anticipated performance targets will be missed and these are reported on to the Executive Management Team and the Corporate Overview Group quarterly.

### **RBC external recovery group**

- 4.30. The objectives of the external recovery group are:

- Focus on the economic recovery of Rushcliffe, ensuring the right support for businesses aligned to the work of the D2N2 LEP Response Board;
- Support businesses to re-open in line with Government guidelines – advice to open and trade safely;
- Explore opportunities to lead and support a green economic recovery, working with business to understand how their working practices have changed and how this can be maintained in the long term;
- Support our residents/community and identify ways to harness the community engagement/empowerment; and
- Regular and consistent communication on all aspects of recovery work to the local community and businesses.

- 4.31. Appendix C provides more detail on the work of the external recovery group including the support provided to businesses and the local community. This includes:

- Setting up a dedicated business support webpage which has received over 14,000 views;
- Hosting virtual business networking and ‘ask the expert’ webinars;
- ‘Reach Rushcliffe’ funding to support local initiatives that aim to tackle loneliness and social isolation;
- More than 350 Environmental Health visits providing advice on being Covid compliant;
- Rent holidays for some commercial tenants; and
- Supporting the safe re-opening of local markets including offering rent free periods for stall holders.

- 4.32. To support councils with the safe reopening of their high streets funding was allocated from the European Regional Development Fund for specific activities including increased signage, business support and public information/awareness campaigns. Rushcliffe was allocated £106,208 for this and this has supported activity to date including:

- The appointment of a Covid 19 Communications and Information Officer;
- High Street Ambassadors to provide assurance and advice in town centres;

- Temporary changes to the public realm including the implementation of one-way systems;
- Increased social distancing signage in town centres;
- Two business support programmes delivered by external consultants; and
- A shop local/shop safe PR campaign.

### **Finance and business grants**

- 4.33. Finance updates have been provided to Council and Cabinet (in September and November 2020) and these have reflected the level of grants provided to local businesses as part of the Small Business Grant Fund, Retail, Hospitality and Leisure Grant and the Local Authority Discretionary Grant Fund.
- 4.34. Further business support grants were announced as part of the Tier system and subsequently for the national lock down. The application form to apply for these was made available on Wednesday, 11 November and is planned to close on 27 November. One application form is available and once a business applies the application will be assessed to see which grants they are entitled to (tier 2, 3 and national lock down). Appendix B details the overall policy for Covid Business Support Grants agreed with both of the Portfolio Holders for Finance and Business and Economic Growth. The scheme was launched on 13 November. The Chief Executive and S151 Officer signed off the scheme as a delegated decision under Urgency Powers within the Council's Constitution in order that the delivery of the scheme be achieved without delay.
- 4.35. At the time of writing, the Council has made approximately 500 payments amounting to £1.7m (total funds available of £3.9m). The intention is to passport as much financial support to those businesses in need as quickly as possible. This is as well as the previous discretionary and mandatory grant schemes where in excess of £19m was paid to over 1,500 businesses.
- 4.36. With regards to Council Tax Support, we have committed in excess of £0.441m in Hardship Fund allocations, i.e. circa 2,600 payments and 86% of the £0.515m budget.
- 4.37. The Council is also mindful of the impact on both business rates and council tax collection. Data to 16 October 2020, shows collection rates for Council Tax has reduced by 0.9% equating to approximately £0.796m of cash not received. Business Rates are currently behind by £0.57m (2.57%), although £0.6m of this relates to a newly rated property. The aforementioned reductions in cash received will create a deficit and a burden on future income streams albeit the County Council will take a significant proportion of the Council Tax deficit. Recent government announcements mean this deficit can now be spread over three years and this should reduce the burden in each year, nonetheless the burden will still be there.
- 4.38. The Test and Trace scheme entitles eligible individuals to a Test and Trace Support Payment or discretionary support payment of £500 and aims to support people on low incomes who are unable to work from home if they are told to

self-isolate by NHS Test and Trace and will lose income as a result. The Council went live with the scheme on 9 October 2020. The scheme will last until 31 January 2021, and Rushcliffe received funding of £30k for the main scheme and £18k for the discretionary scheme along with £24k for the set-up and administering the scheme for the four months it is in place. Additional funding can be requested only for the main scheme. At the time of writing 150 claims have been received, 37 main scheme payments (totalling £18,500) and 27 discretionary scheme payments (totalling £13,500) have been made and 64 applications rejected.

### **Future Challenge**

- 4.39. As covered in other reports to Cabinet and Council the pandemic has had a significant impact on the Council's budget. The anticipated budget gap caused by the pandemic is partially offset by additional government grants and in-year efficiencies with an overall net in-year position of £0.244m budget gap. This position does not take into account the effects of the implementation of further restrictions from 14 October 2020, nor does it include potential income from the reimbursement of lost fees and charges. It is likely that income levels will not return to pre-Covid levels for some time and, therefore, the Council must ensure it can support the shortfall. The Council's MTFS in March will cover the position going forward and the impact on the Council's revenue and capital budgets and reserves.
- 4.40. The pandemic has highlighted some new ways of working for the Council, most notably with the majority of staff working from home for most, if not all, of the week. Whilst this creates its own challenges for staff engagement and morale, it has also been very positive for many reporting a better work/life balance and a positive impact on the environment with reduced car use. Officers are, therefore, considering evolving ways of working for the future to build on the opportunity presented by the pandemic. In response to the budget challenges, the Council is also working proactively to identify efficiencies across the Council and opportunities to deliver in new and different ways to help support financial sustainability.
- 4.41. The future of the leisure industry remains uncertain with the five centres in Rushcliffe currently closed due to the national lockdown. Financial support has been provided to Parkwood to ensure their continued viability. It is unclear what impact the continued need for social distancing, and so reduced capacity, and the extended period of closure will have in the medium to long term on the leisure industry. Officers from the Council will continue to work closely with Parkwood and Mitie to support them with this as much as we can.
- 4.42. The pandemic has had a significant impact on our high streets with retail and hospitality being forced to close for extended periods. Business support grants and furlough have provided much needed support but the longer-term issue of consumer confidence and an increased shift to online will mean the impact of Covid 19 will be felt for some time to come. The Council will continue to take a proactive approach to supporting our businesses both on and off the high street. The Local Growth Boards established in areas of the Borough will be used to

engage with partners to help shape a sustainable future for Rushcliffe's high streets and economy.

- 4.43. In terms of future plans, Appendix C sets those out in more detail. Throughout the pandemic, the Council has had to redeploy staff in response to significant increases in demand in some areas. However, this has not currently impacted on the delivery of key corporate projects including the leisure and office development at Chapel Lane, Abbey Road and the Crematorium. Whilst there have been delays to some of these, this is due to the pandemic rather than an internal capacity issue. Officers will continue to progress these projects along with others as outlined in the appendices.

## **5. Alternative options considered and reasons for rejection**

This is an update report on the work done in response to the Covid 19 pandemic. For the different areas of work different options were considered by Officers and Councillors as required. The response and recovery will continue to be flexible to be able to respond to changes in regulations.

## **6. Risks and uncertainties**

Covid in itself creates much risk for the Council both in its ability to deliver its corporate priorities and the impact on the Council's budget.

## **7. Implications**

### **7.1. Financial Implications**

These are covered in the report particularly paragraphs 4.33 to 4.39.

### **7.2. Legal Implications**

There are no legal implications associated with this report, decisions have been taken in accordance with the constitution.

### **7.3. Equalities Implications**

The pandemic has had a disproportionate economic impact on some people including young people. This impact is being considered in the recovery work with activity being targeted across Rushcliffe, Nottinghamshire and the wider D2N2 area as required.

### **7.4. Section 17 of the Crime and Disorder Act 1998 Implications**

While the pandemic has had an impact on crime and disorder, most notably an increase in reports of domestic abuse and anti-social behaviour in some parks/open spaces, there are no crime and disorder implications associated with the contents of this report.

## 8. Link to Corporate Priorities

Quality of Life	The response and recovery from Covid 19 is in place to ensure we maintain the quality of life for our residents.
Efficient Services	In response to Covid 19, staff have had to be redeployed to ensure essential services for our residents could be maintained.  The pandemic has had a significant impact on Council budgets and, therefore, a review will be required of service delivery across the whole Council to support further efficiencies.
Sustainable Growth	The pandemic has had a significant impact on our businesses and, therefore, a package of support (from national and local government) has been put in place to support those businesses who have been most impacted.  We will continue to work with our partners to support our businesses to survive the pandemic and grow as the economy recovers.
The Environment	The focus of recovery is supporting a green economic recovery. This includes for the Council adapting the way we work, e.g. continued working from home, but also supporting our businesses to change the way they work too.

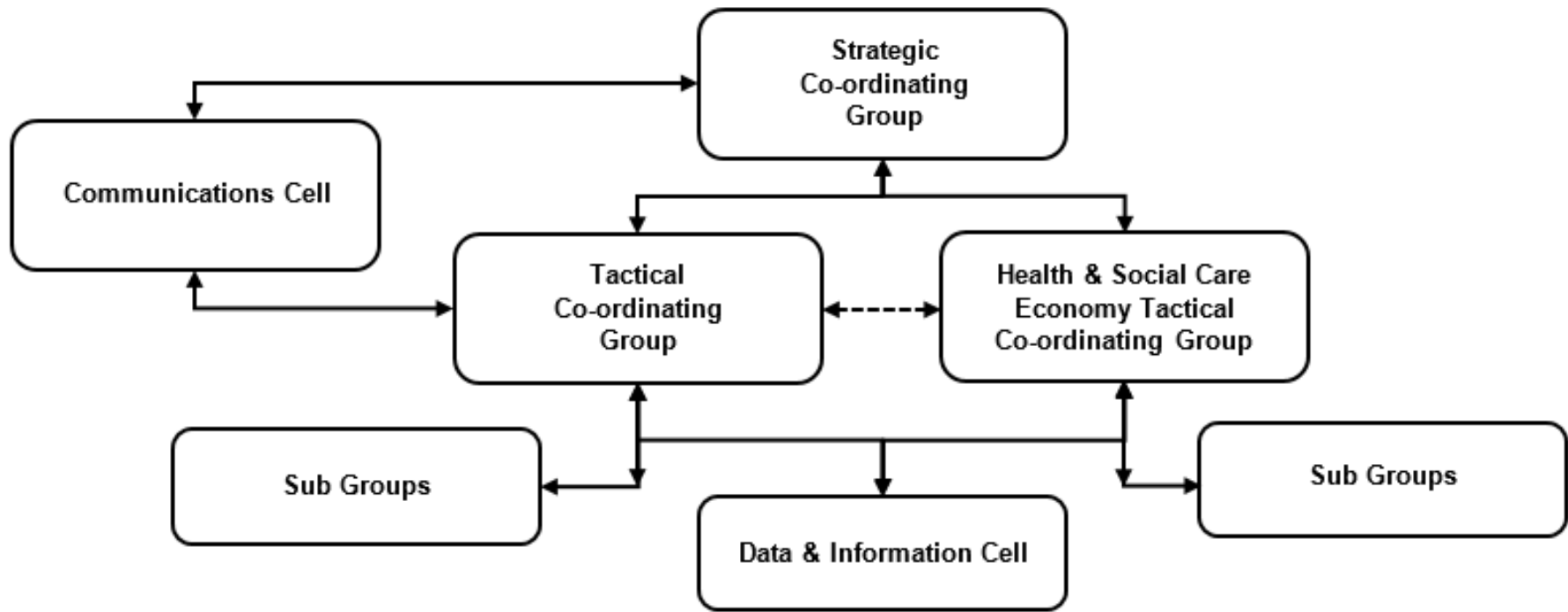
## 9. Recommendations

It is RECOMMENDED that Cabinet notes:

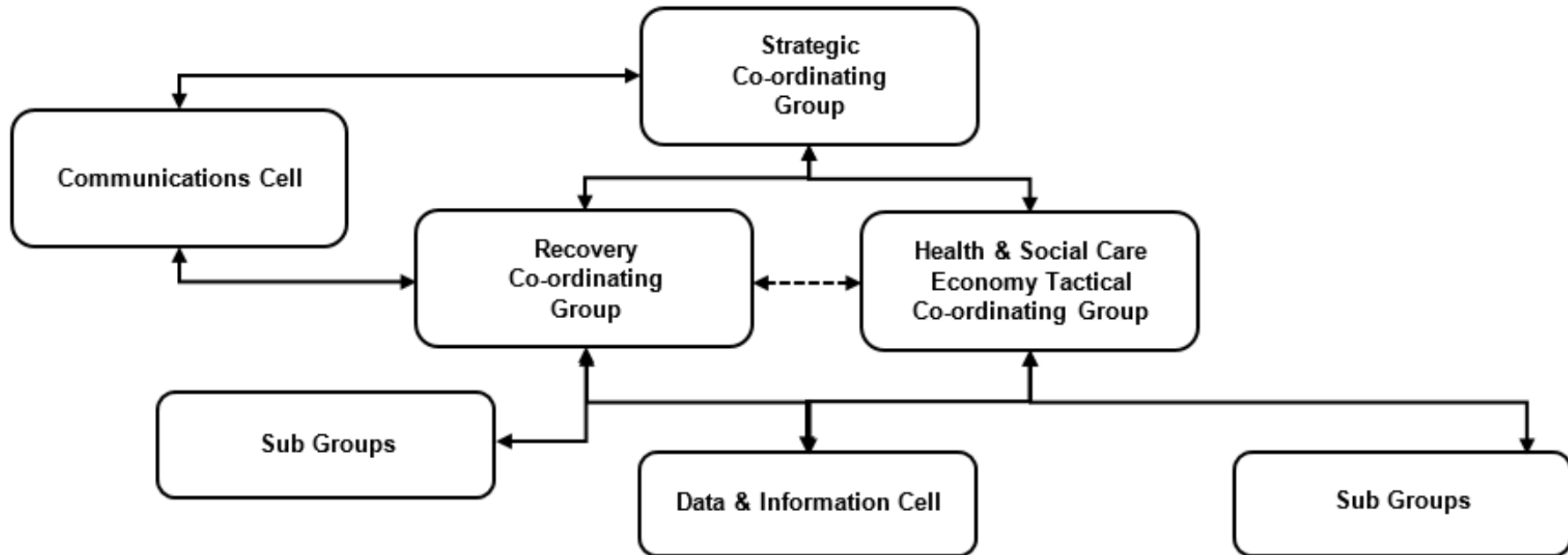
- a) the work of the officers of the Council and partners in responding to and supporting the recovery from Covid 19; and
- b) the terms of the Covid Business Grants Support Policy.

<b>For more information contact:</b>	Katherine Marriott Chief Executive 0115 914 8291 <a href="mailto:kmarriott@rushcliffe.gov.uk">kmarriott@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	<a href="#">Report to Cabinet May 2020</a> <a href="#">Report to Cabinet November 2020</a>
<b>List of appendices:</b>	Appendix A – LRF response and recovery structures Appendix B - Covid Business Grant Support Policy Appendix C – RBC Recovery Plan





LRF Covid-19 Recovery structure



**Appendix B**

**The Rushcliffe Borough Council (RBC) Covid Business Grants  
Support Policy  
- Guidance Notes and Checklist**

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**1. INTRODUCTION**

The Covid-19 pandemic is unprecedented and has had an immediate and significant impact on the Rushcliffe economy. The Government has now provided guidance and funding for a number of grants, which the Council is administering, covering different time periods and different business sectors as follows:

<b>Time Period</b>	<b>Name of fund (and allocation)</b>	<b>Description</b>
14 Oct 2020 to 04 Nov 2020	<b>Local Restrictions Support Grant (Open)</b> - £0.241m	Support for businesses in the hospitality, hotel, bed & breakfast and leisure sectors that have remained open under Tier 2 restrictions of up to £2,100 for 4 weeks
30 Oct 2020 to 04 Nov 2020	<b>Local Restrictions Support Grant (Closed)</b> – await Government funding notification	Support for businesses in the hospitality, accommodation, beauty and leisure sectors that have legally been forced to close under Tier 3 restrictions of up to £3,000 for 4 weeks
05 Nov 2020 to 02 Dec 2020	<b>Local Restrictions Support Grant (Closed)</b> - £1.308m	Support for businesses that have legally been forced to close under the conditions of the national lockdown of up to £3,000 for 4 weeks
01 Nov 2020 to 04 Nov 2020	<b>Local Restrictions Support Grant (Sector)</b> - £0m – allocation based on claims received	Support for businesses that were required to close in March and which have <b>never</b> been able to re-open (for example nightclubs) of up to £3,000 for 4 weeks. For Rushcliffe no claims are anticipated.
05 Nov 2020 ongoing	<b>Additional Restrictions Grant</b> – referred to as the Local Business Support Grant in this document - £2.383m	Support for businesses affected by reduced trading conditions experienced during national lockdown. Focusing on the hospitality, accommodation, beauty and leisure sectors, non-essential retail and their supply chains.

Further detail on the various schemes and guidance with regards to the applications process are given below.

Nottinghamshire was placed in the High alert level (Tier 2) on 14 October 2020. This introduced restrictions on social mixing in certain circumstances. For this period of time there is a **Local Restrictions Support Grant (Open)** for businesses in the worst effected sectors that remained open until 4 November detailed in Section 10).

On Wednesday 28 October 2020, the Government announced that in order to curb rising infection rates in Nottinghamshire, which includes Rushcliffe Borough Council, had been placed into a Very High alert level (Tier 3) which came into force on Friday 30 October 2020 with further national restrictions announced to commence on Thursday 5 November 2020. From this date all social mixing indoors and in private gardens is prohibited and certain businesses must close. These are pubs and bars, gyms and leisure centres, betting centres, amusement arcades, adult gaming centres, bingo halls, bowling alleys, casinos, play areas (including soft play areas), museums & galleries, businesses operating in the hair and beauty sector along with other non-essential retailers (as defined in Appendix A).

As a direct response to the existing challenges facing the above sectors and the new measures imposed by Government, Rushcliffe Borough Council have created a discretionary fund to support micro and small businesses in the hospitality, accommodation and leisure sector and their supply chains. There is a more restricted fund for the period the Council was in Tier 2 as per the guidance in Table 1.

The **Local Business Support Grant** is focused on supporting existing businesses by providing an additional discretionary, Local Business Support Grant, on top of the [Local Restrictions Support Grant \(Closed\)](#) which is provided by the Government along with additional funding for other businesses or the self-employed in the affected sectors and the supply chain.

The grant fund will be co-ordinated and administered by Rushcliffe Borough Council.

The Local Business Support Grant will be allocated quickly and efficiently, with the first funding to reach applicants within **3 working days** of the application being **approved** subject to the application being compliant, with all the necessary supporting evidence being provided within 3 working days of request. It is essential that bank details provided are correct. The same practices will be adopted for the different Local Restrictions Support Grant Funding schemes.

## **2. PRIORITY AREAS**

The amount of funding available under the Local Business Support Grant is not expected to meet the demand from businesses, and unfortunately, not all applicants will be successful. Therefore, in determining the eligibility criteria, we have sought to balance the number of businesses we can support with the priority areas of the Council and the overall amount of money that is available.

In administering the grant, the Borough/District Council will adopt the following priorities:

- a) Providing the greatest assistance to those eligible micro and small businesses;
- b) Providing support to as many businesses as possible within the available financial resource;
- c) Delivering a grant application which is simple, straightforward and makes decisions as quickly as possible; and
- d) To ensure that there is proper due diligence and fraud and error is avoided.

### 3. OVERVIEW OF THE LOCAL BUSINESS SUPPORT GRANT

The Local Business Support Grant will:

- support businesses in meeting operational costs;
- help businesses maintain the necessary Covid secure measures which will still be necessary post lockdown.

It is available both to eligible businesses that plan to continue operating and, in a different way, to those that are required to close for the period of these restrictions (at least four weeks). The following table outlines the support that is available to businesses through the government's support scheme and the Rushcliffe Borough Council discretionary scheme.

**Table 1 - Outline of the Government Support and RBC Local Authority Administered Grants (including the Local Business Support Grant)**

	<b>Business support</b>
<b>Government Support (For information)</b>	<ul style="list-style-type: none"> <li>• Business rates relief</li> <li>• Protected from eviction to Jan 2021</li> <li>• Self-employed scheme extended to March 2021</li> <li>• The furlough scheme has been extended until March 2021</li> </ul>
<b>Local Authority Administered Grants</b>	<p><b>Local Restrictions Support Grant (Open)</b> - for certain businesses that could remain open under Tier 2 and Tier 3 restrictions (for further details regarding the sectors this covers - see section 10 below):</p> <p>An eligible business may receive a <b>one off payment</b> if the business occupies a property with a rateable value as follows:</p> <ul style="list-style-type: none"> <li>• up to £700 if RV up to £15,000</li> <li>• up to £1,400 if RV is £15,001 to £51,000</li> <li>• up to £2,100 if RV over £51,000</li> </ul> <p>If the applicable period for the grant is less than 28 days the Council reserves the right to pro-rata the grant accordingly</p> <p><b>Local Restrictions Support Grant (Closed)</b> -for businesses forced to close due to COVID restrictions under Tier 3 or national lockdown conditions:</p>

	<ul style="list-style-type: none"> <li>• Eligible businesses with a rateable value of less than £15,000, the business will receive a cash grant of £1,334 for each 4-week period the business is closed</li> <li>• Eligible businesses with a rateable value of between £15,000 and less than £51,000, the business will receive a cash grant of £2,000 for each 4-week period the business is closed</li> <li>• Eligible businesses with a rateable value of £51,000 or above the business will receive a cash grant of £3,000 for each 4-week period the business is closed.</li> <li>• Grants will be based on the rateable value of the property on the first full day of local lockdown restrictions.</li> <li>• Grants will be paid four weekly under the conditions of a national lockdown, and every two weeks under localised tier 3 conditions. If the applicable period for the grant is different the value of the award will be pro-rata'd accordingly</li> </ul> <p><b>Local Restrictions Support Grant (Sector)</b> - businesses that were required to close in March and which have never been able to re-open (for example nightclubs) will be paid grants of up to £3,000 for every four-week period that they have to remain closed. There is no back-dating of the scheme, with payments applicable from 1 November 2020. Businesses will be contacted directly by the Council if they meet the criteria for this scheme.</p>
<p><b>RBC Local Business Support Grant</b></p>	<p>An eligible business may receive (subject to the availability of funds) a <b>one off payment</b> if the business occupies a property with a rateable value (or if there is no rateable value a proxy such as annual rent) as follows:</p> <ul style="list-style-type: none"> <li>• £1,500 if RV up to £15,000</li> <li>• £4,000 if RV is £15,001 to £51,000</li> <li>• £7,000 if RV over £51,000</li> </ul> <p>If you do not wholly occupy a property listed for business rates (i.e. not liable for business rates) and are not charged a fixed property charge you may be entitled to a fixed grant of £1,000 if you have been forced to close your business due to COVID restrictions and temporarily ceased trading, or £500 if you are still operating.</p>

For the Rushcliffe Borough Council Local Business Support Grant Scheme this applies initially for a 28 day period. If the lockdown arrangements are extended and additional Government funding is made available you will not be asked to re-apply and pro-rata payments will be made subject to the amount of Government Funding being made available. It is the responsibility of the applicant to inform us of any changes to their original application, taking into account the requirements in section 7 below to not provide misleading information.

The Local Restrictions Support Grants (both Open and Closed) apply from when the Council is informed of its 'tier status' as a result of Covid. All grants are subject to sufficient government funding being made available and are capped at the respective funding levels.

**Note:**

We reserve the right to modify and/or withdraw each grant award and its associated conditions, particularly to ensure that public money is spent well. This may be in response to changes in national legislation, local economic and health conditions and changes in funding circumstances. Any payments made outside of the payment cycles will be pro-rata'd accordingly.

**4. PAYMENT OF THE LOCAL BUSINESS GRANT AND LOCAL RESTRICTIONS SUPPORT GRANTS**

For businesses that are continuing to trade and those that are compulsorily closed the Local Business Support Grant will be paid in one instalment. Local Restrictions Grants will be paid over the duration that local restrictions are in place.

All grant payments are subject to the satisfactory receipt of:

- confirmation that the business is able to accept the grant under State Aid regulations
- confirmation of whether the business is still open for visiting members of the public or has been forced to close by government or by further locally agreed mandated closure.
- proof of rent payments made (in the absence of wholly occupying a property listed as rateable by the Valuation Office Agency).

**5. ELIGIBILITY CRITERIA FOR LOCAL BUSINESS SUPPORT GRANTS**

An eligible business must be able to demonstrate that the business:

- a) Is small or micro business as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.
- b) Grants will only be paid to customer facing businesses and businesses in the supply chain for selected business sectors detailed below in table 2.
- c) Occupies commercial premises that have a rateable value within the Rushcliffe Borough Council area, or if they occupy a commercial space which is not separately rated for business rates purposes pay a fixed rental cost within the Rushcliffe Borough Council area. Note that domestic mortgage payments are not admissible as property related charges.
- d) Licensed taxi drivers will be considered for a grant as long as they permanently reside in the Rushcliffe Borough Council area. They must provide proof of where they normally reside as part of the application process.
- e) Businesses and self-employed people with no fixed rental costs who operate either directly or in the supply chain of sectors listed below will be eligible to apply if they reside in the Rushcliffe Borough Council area. They must provide proof of where they normally reside as part of the application process along with details of how their business has been affected by the national lockdown restrictions and evidence of recent trading.
- f) Was considered a 'non-essential' business during the first period of lockdown.
- g) Was trading on or before 1 October 2020 i.e. continuing to trade with a view to making a profit or surplus (not a dormant company). This will ensure the grant is targeted at businesses whose owners/directors have demonstrated that they believe the business

remains viable after the second period of lockdown. You will need to provide proof of recent activity.

- h) Has a relevant certificate(s) to show compliance with laws and regulations relevant to its trade, for example a food hygiene certificate, a licence to sell alcohol, permission to operate a pavement seating area.
- i) Is not subject to enforcement action by the Police or a Regulatory Authority for an order for non-compliance with Covid-19 regulations or food hygiene standards.
- j) Is State Aid compliant.

**Table 2 - Business sectors that are eligible to apply for the Local Business Grant**

Amusements and visitor attractions (family entertainment centres)	Outdoor Pursuits Centre
Art Gallery / Museum (privately owned)	Play Centre /Soft Play Centre
Licensed Bars	Zoos and other animal attractions
Bowling Alley	Public House
Exhibition Centres & Conference Halls	Adult Gaming Centres
Amusement Arcades	Casinos
Bingo Halls	Registered bed and breakfast accommodation (not Airbnb accommodation)
Café with indoor / outdoor seating	Restaurant
Bookmakers	Tattoo parlours, tanning salons, nail salons, spas & beauty services , hair salons, barbers
Camping and Caravan sites	Theatre / Cinema / Event Spaces
Gyms, yoga / dance centres	Trampoline Centre
Hotel	Urban farm
Ice Rink	Non-essential retail outlets used for the sale of goods to visiting members of the public. See Appendix A for the type of businesses excluded
Outdoor sporting venues including golf clubs, stables and riding centres	
Leisure centres	Businesses and self-employed people operating in these sectors

## 6. BUSINESSES THAT ARE EXCLUDED FROM ALL COVID GRANTS

A business will be excluded from applying for a grant if, on the date it makes the application it:

- is dissolved or about to be dissolved
- is insolvent or if insolvency action had been instigated against it (including any petition or where a striking off notice has been made)
- is dormant as of the 1 October 2020, ie. not trading but not insolvent



- has ceased trading or has closed without being required to do so as part of Government and local restrictions

Businesses that have been subject to environmental health or planning enforcement prosecution since 1 April 2020 will be excluded from all discretionary grants.

Buildings operated by public bodies or registered charities are also excluded from the Local Business Grant scheme.

Further, a business will be excluded from applying for a grant if, on the date it makes the application for this grant, it is counted as an “essential business” under previous Government COVID-19 regulations and/or is unlikely to have been negatively affected by Covid-19 restrictions. For example, supermarkets, takeaways, corner shops and off-licences would be ineligible for support under this scheme.

## **7. APPLICANT'S RESPONSIBILITIES**

Businesses are responsible for providing true and accurate information, and applicants are asked to note that:

- a) The business for which the application is made must be currently experiencing financial hardship as a result of the COVID-19 crisis and must have an evident need for financial relief under the terms and conditions of the Local Business Support Grant.
- b) Providing wrong or misleading information is a criminal offence and any such information may be used against applicants in any subsequent criminal investigation. The information provided on the online application form may be made available to other departments/agencies for the purposes of preventing or detecting crime.
- c) Any grant received by a business must be declared to HM Revenue & Customs (HMRC) as appropriate as part of the tax return for the business. For further information, you can contact HMRC's Coronavirus (COVID-19) helpline.
- d) Any grant received by the business will be used only for the purpose intended ie. to help alleviate the financial pressure of the recipient business and to the exclusion of any other individual or third-party gain.
- e) The applicant will be asked to certify that the information provided on behalf of the business is true and correct to the best of the applicant's knowledge and belief, and should it be subsequently determined that the grant was awarded on the basis of wrong or misleading information, or paid in error, the grant will be subject to recovery in full.
- f) The applicant understands that an officer of the Council, including Planning, Environmental Health, Public Health and/or Trading Standards, may undertake spot checks of the premises. If there is non-compliance with regulatory requirements, the grant, or any portion of the grant, will be repayable by the business.
- g) The applicant understands that the information provided on the online form will be made available to other government departments and their agencies for the purpose of detecting and preventing crime.

- h) The applicant understands that if the Council approves the application, the terms and conditions shall be enforceable on the basis of the Terms and Conditions of the grant scheme

## 8. THE GRANT PROCESS

It is anticipated that the grant funding available will not satisfy the combined amount of funding requested by applicants. Therefore the following application process has been adopted:

- a) Applications **can only be made online**. Therefore, before you apply there are some steps that you will need to take. Please read the eligibility criteria and checklist first to find out if you are eligible to apply. One application will cover all of the schemes.
- b) A 'grant application window' will open **on Wednesday 11 November 2020** and will close **on Friday 27 November 2020** (subject to funds being available).
- c) During this window the Council will only accept fully completed online applications and the required evidence to support each application. An application made during the 'grant application window' **does not guarantee** approval for payment.
- d) On receipt of the online application and evidence, the Council will send an email to acknowledge receipt and a **Unique Reference Number (URN)** will be allocated to the application.
- e) If the application is not accompanied by all necessary supporting evidence, the Council will email the applicant to advise that information is missing. The application will not be processed until this evidence is received, ie. the onus is on the applicant to provide the evidence in a timely manner. If the applicant does not respond within 3 working days of email from the Council your application will be withdrawn. No further contact will be made.
- f) The grant is only available to businesses in the hospitality, leisure, accommodation and non-essential retail and sectors as defined in **Section 5 and Appendix A** (or directly part of the supply chain for the sector).
- g) Unsuccessful applicants will be advised of the outcome of an application by email. There is no right to appeal a decision.
- h) Should there be sufficient funds after the first 'window', a further 'window' may be opened or 'top-up' payments may be allocated at the Council's discretion, but this is not guaranteed.
- i) The Council will seek to reach a decision within 5 working days of receipt of a completed application that has all the required evidence attached. Successful applicants will be notified by email, and payments will be made by BACS (payments usually takes three working days to arrive in accounts).
- j) The Council will prioritise consideration of grant applications when received and will not respond to canvassing.
- k) Canvassing any officer responsible for the execution of this grant's process or elected individual will render the applicant disqualified from this process.

- l) If the scheme is extended beyond 28 days applicants will have to advise the Council of any change of circumstances. Payment periods will be extended in accordance with changes in legislation to extend schemes and limited to further Government Funding.

## 9. EVIDENCE AND CHECKLIST

The Council is relying on businesses to be honest and open, and to present evidence of need and eligibility for the Local Restrictions Support Grants and Local Business Support Grant fund (If you provide false or inaccurate information then the Council will take appropriate action). If a business believes that it is eligible to apply for the grant the following **Eligibility Checklist** may be used to help gather evidence.

### ELIGIBILITY CHECKLIST

Information	Evidence	Comment
Applicant details	Submit information on the online application form	Your business name. Nature of the business, how this relates to the specific sectors listed above and explanation of how the business has been affected (self declaration statement). Your contact name and number(s). Your business trading address and postcode. Company registration number (if applicable) or self-assessment tax return and your VAT number (if VAT registered). Business Rates reference number. Proof of rental payments. Confirmation of proportion of sales that are in person/e-commerce (self declaration, proof will be requested dependent on the nature of the business)
Payment details	Your business bank account number and sort code (only provide bank account details where a BACS payment can be accepted).  A copy of a business bank statement, clearly showing the bank account holder's name, sort code and account number and business address.	These details must match the name of the business or individual listed on the business rates bill or lease, licence or mortgage agreement

	A utility bill clearly showing your business address	
Evidence that you are a micro or small business	<p>This will be done by way of self-declaration on the online application form.</p> <p>Details may be checked using the Companies House register.</p>	<p>Under the Companies Act 2006:</p> <p>A <b>Micro</b> business must satisfy two or more of the following:</p> <ul style="list-style-type: none"> <li>• Turnover: Not more than £632,000</li> <li>• Balance sheet total: Not more than £316,000</li> <li>• Number of employees: a staff headcount of not more than 10</li> </ul> <p>A <b>Small</b> business must satisfy two or more of the following:</p> <ul style="list-style-type: none"> <li>• Turnover: Not more than £10.2 million</li> <li>• Balance Sheet total: Not more than £5.1 millions</li> <li>• Number of employees: a staff headcount of up to and including 50</li> </ul>
Proof of rent charged (if you do not occupy a property liable for business rates as the liable party)	Proof of rent charged (for example lease agreement or rental receipt) - note mortgage payments are not considered a rent charge and are not admissible	Charge has to relate to the XX Borough Council area
Taxi drivers	Proof of where you live and a current licence allowing you to act as a taxi driver	Utility bill/bank statement showing your current address Current licence
Self-employed in supply chain	Evidence of type of business self-assessment (contract /copy invoices/accounts). Latest Tax return. Evidence of recent trading	Self-declaration – what is business and how does it link to the grant? Paragraph from applicant
Evidence of eligibility under State aid rules	You will need to demonstrate this by way of self-declaration statement on the online application form. See section 12 below.	If you are unsure whether State aid applies to your business, you will need to seek independent legal advice

## 10. LOCAL RESTRICTIONS SUPPORT GRANT (OPEN)

The Government has announced that each authority will receive a fund to distribute based on business properties in the hospitality, hotel, bed & breakfast and leisure sectors to support businesses that have not been legally required to close but are severely impacted by Tier 2 or Tier 3 restrictions (note this is not applicable during periods of national lockdown).

The grants will only be distributed to businesses operating from properties listed as being chargeable for business rates by the Valuation Office Agency, that are open to visiting members of the public within the following sectors:

Hotels  
Bed & Breakfast  
Indoor leisure facilities  
Public Houses  
Restaurants

Please note this list is not exhaustive and the Council reserves the right to amend the list at its own discretion and it will be the final arbiter of the definitions contained above.

Any payment relating to the Local Restrictions Support Grant (Open) will be subject to the current State Aid limits and should be classified as a taxable income.

## **11. HOW WE WILL USE YOUR INFORMATION**

We will use your information to assess your application for financial support. We will confirm information about you and your account from credit referencing agencies to confirm account validity and your identity. If you provide false or inaccurate information, we will record this. If you would like full details on how we use your information, please refer to our privacy policy.

## **12. STATE AID**

All successful businesses will be required to declare that by accepting the grant payment, the business confirms that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State Aid requirements. Any business that has reached the limits of payments permissible under the De Minimis and the UK Covid-19 Temporary State Aid Framework will not be able to receive further grant funding.

## **13. TAX**

Grant income received by a business is taxable, therefore funding paid under the Local Business Support Grant or Local Restrictions Support Grant (Open or Closed) will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.

## **14. RIGHT TO UPDATE THIS POLICY**

The Council reserves the right to update, change or withdraw this policy without notification or prior warning in the event that the government updates or changes its guidance to us or in the event of an error, omission, or unallocated funds

## **15. APPEALS**

There is no right to appeal and the decision of the Council is final. The Council's interpretation of this document is at its own discretion and it will be the final arbiter of the definitions contained within this policy.

**Definition of non-essential retailers:**

If your property is used for the sale of the following types of goods you would be excluded from this grant:

Food – including take-aways and alcoholic beverages

The following types of business are also excluded from this scheme:

Pharmacies/Chemists

Post Offices

Financial services (for example banks, building societies, bureaux de change)

Medical services (for example vets, dentists, opticians, chiropractors)

Professional services (for example solicitors, accountants, estate agents, letting agents)

Examples of businesses that are classed as non-essential retailers (and eligible to apply):

Clothing stores

Electronics stores

Vehicle showrooms

Travel Agents

Betting shops

Auction houses

Tailors

Car washes

Tobacco/Vape shops

Note the majority (at least 60%) of your income/sales should normally be attributed to in-person sales of goods and not through the internet and/or telephone or be derived from services provided. You may be asked for proof of how your income is normally derived.

Please note this list is not exhaustive and the Council reserves the right to amend the list at its own discretion and it will be the final arbiter of the definitions contained above.

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# Rushcliffe Borough Council

## Recovery Plan

DRAFT

November 2020

# 1. Introduction

The past 6 months have presented unprecedented challenges for us all, to support our key workers on the frontline and the most vulnerable in our communities we have had to completely change our way of life. National lockdown forced many businesses to close (either temporarily or permanently) and many of us to work from home where we could.

As we face ongoing local lockdown measures over the coming months the Borough Council continue to work closely with all our partners to ensure the right support is provided to those who need it most. We will continue to review our plans in response to any change in alert levels to support the recovery of Rushcliffe over the coming months, ensuring we remain effective and responsive. We want to continue to work and engage with as many people as possible so please do get in touch with us so that we are in the best position to support everyone as best we can.

It is important too to consider the opportunity that this has created however. A chance to review the way we work and live and consider how we might adopt some of these new ways of working on a more permanent basis. This will bring positive impacts to not only our environment but also potentially our mental health and well being and our work/life balance. It is important we do not lose sight of this opportunity as we try to overcome the current challenges we are facing but we must, at least in the short term, focus our efforts on the recovery of our local communities and businesses.

This Recovery Plan sets out how Rushcliffe Borough Council (RBC) and partners (parish and town councils, business partnerships and local trading groups) are working together to support local businesses and the local community.

Cllr Simon Robinson  
Leader, Rushcliffe Borough Council

## 2. The Impact on Rushcliffe

Like other areas of the country we are yet to see the full economic impact of COVID-19 in Rushcliffe. Our high streets and town centres have been forced to have extended periods where most businesses have had to close, businesses have had to quickly adapt to offer click and collect and takeaways to ensure they can continue to operate.

There has so far been limited visible impact in Rushcliffe with only a few additional vacant units. We know however that we cannot be complacent and with the with the ongoing need to keep the virus under control, the winter months and local lockdown measures we need to remain, as ever, flexible and responsive to provide support to our local businesses and communities.

An analytical group led by the D2N2 Local Enterprise Partnership has produced some projections of the impact on Rushcliffe of Covid 19:

- Gross Value Added (GVA) - a measure of productivity across D2N2 is expected to fall by 38% in quarter 2 this is greater than the UK national average of 35.1%. This is primarily due to the reliance on manufacturing, wholesale and retail, education and construction in the region which are sectors suffering some of the worst impacts.
- Teleworkability is the percentage of jobs feasible to be done via remote working. Rushcliffe has the highest percentage in D2N2 with 51% of jobs teleworkable.
- 183% increase in unemployment claimants when comparing February (1030) with August 2020 (2480). Rushcliffe has seen one of the highest percentage increases in unemployment in the D2N2 area, this is predominantly due to the comparatively low numbers of people unemployed.
- 30% of the employed population in Rushcliffe are furloughed (July 2020), this figure is relatively low compared to other areas however there is a concern, like for other areas, for the long term sustainability of these jobs once the furlough scheme ends and with the second national lock down.
- 4,900 people in Rushcliffe are eligible for Self Employment Income Support Scheme and 3,700 claims have been made totalling £10.9m paid, with an average grant of £3,000
- In response to a business survey created by the D2N2 Growth Hub (data at D2N2 level) which received over 800 responses up to the end of August:
  - o 82% of respondents were trading;
  - o 62% furloughed staff (compared to 71% in the period from April to August), and 13% made staff redundant (compared to 6% in period from April to August);
  - o 55% of respondents report a severe decline in sales (over 50% decline).

We continue to monitor the data received to ensure that our plans are responsive.

# 3. What we have done so far

When the Prime Minister announced strict lockdown measures in March the Borough Council, like many other organisations, had to change the way that we worked to ensure that we continued to deliver an excellent service to our local communities and businesses. This has meant adapting very quickly to shift our priorities and focus to the areas where support is most needed

Government have introduced various measures to support residents and businesses and we have been responsible for administering some of the initiatives at a local level. In addition we have worked with our local partners and across departments within the Council to implement local support packages.

You can see from the following information that a great deal has been delivered already to support our communities:

## **Business rates discounts and grants<sup>1</sup>**

We have paid out:

- 1226 grants total £12,260,000 under the Small Businesses Grant Fund
- 357 grants total £6,015,000 under the Retail, Hospitality and Leisure Grant
- 82 grants total £972,460 under the Local Authority Discretionary Grants Fund

In addition we have given business rates:

- Expanded retail discount 553 cases total £10,603,011
- Nursery discount 37 cases total £313,671

## **Council Tax support**

- Council Tax Support Hardship fund has reduced a total of 2600 bills totalling £441,523.

## **Developed dedicated Covid19 business web pages:**

- Business support page - 13,134 visits
- Business finance page - 833 visits
- Business resources page - 460 visits
- Access to 'Grant Finder' tool - 500+ visits

In addition we have set up a dedicated page on the Rushcliffe Business Partnership website which has been visited 4545 times since it was created at the start of lockdown.

## **Reach Rushcliffe**

- 'Reach Rushcliffe' funding to support local initiatives that aim to tackle loneliness and social isolation- 16 applications- 14 approved 2 rejected- total allocation to date £14,800.88
- 41 food parcels delivered year to date

Social media campaigns and business promotion

- Shop Local Shop Safe - 23 businesses featured so far
- Governments Eat Out to Help Out - 21 business featured
- 'We're Open' - 114 businesses featured
- Additional press releases and campaigns including NHS Test and Trace and outdoor seating licences - 3 businesses featured

<sup>1</sup> Some properties have had a discount and a grant therefore would appear in both sets of data.

## Visits from Environmental Health

- 86 formal actions with businesses (complaints/ requests for advice)
- More than 350 visits providing advice on being Covid compliant
- 7 Fixed Penalty Notices issued and 4 prohibition notices
- 428 covid compliance complaints received and dealt with
- Creation of new protocols and frameworks e.g. events framework for use by other teams in the Council and our partners
- 1500+ calls to businesses supported by colleagues from other departments
- Effectively responding to hundreds of changes to regulations and guidance to ensure we are supporting businesses and providing the right advice in a timely manner.

## Webinars and virtual networking

- Rushcliffe Business Partnership have hosted 12 virtual networking sessions so far, which in total 109 businesses have attended.
- Rushcliffe Business Partnership have held 10 Ask the Expert webinars on various topics including HR, managing cash flow and holding online events. 68 businesses attended.
- Business support webinars and one to one support aimed at High Street businesses (funded by Reopening High Streets Safely Fund) 47 businesses have attended 8 webinars so far and 10 have attended one-to-one sessions. A further 4 have one-to-one sessions booked in for the coming weeks.
- D2N2 Growth Hub have delivered 188 webinars, attended by 225 Rushcliffe delegates.

## Support for Traders

- Assisted markets to reopen safely, providing guidance and rent free periods
- Supported community groups / trading groups to run ad hoc markets and food fayres
- Rent holidays available to tenants in our industrial units.
- Temporarily suspended parking charges
- Highways adaptations to High Streets

## Collection of waste

As well as shifting our focus in many areas we have also continued to deliver our vital services, some of which have seen an increased demand. This is especially true for our waste and recycling teams who have seen an increase in the waste collected due to most of us being at home much more than ever before:

- Glass recycling tonnage collected average is around 250 tonnes per month but is now at 300 tonnes
- Tonnages in grey and blue bins increased by around 10%, this had started to return to more normal levels but that may again change with the government guidance to work from home if you can

We understand there is still much to do and this document sets out more detail on the plans we have for the future of our Borough.

## 4. Committed focus on recovery

To deliver the recovery work in Rushcliffe and to support the safe reopening of our local economy and communities RBC have set up an External Recovery Group made up of officers from across the Council. The objectives of that group are:

- Focus on the economic recovery of Rushcliffe, ensuring the right support for businesses aligned to the work of the D2N2 LEP Response Board
- Support businesses to re-open in line with Government guidelines - advice to open and trade safely
- Explore opportunities to lead and support a green economic recovery, working with business to understand how their working practices have changed and how this can be maintained in the long term
- Support our residents/community and identify ways to harness the community engagement/empowerment
- Regular and consistent communication on all aspects of recovery work to the local community and businesses.

The group meets fortnightly and have developed an Action Plan which is reviewed regularly and is included at Appendix 1.

The Borough Council also works with other partners and organisations including:

- Regular meetings with officers across Nottinghamshire to share best practice and explore joint initiatives to support the economy and our residents.
- Focus on employment and skills to ensure that our residents get the support they need to get back into or into work and businesses are supported with their recruitment needs. We work in partnership with the Trent Bridge Community Trust (TBCT) the Ready4Work Clubs in Rushcliffe which support residents to find employment.
- In addition the TBCT delivers the YouNG programme supporting young people to find opportunities for work experience, to improve their skills or for employment. This is a crucial service at the moment ensuring young people are given the confidence they need to realise their ambitions when faced with a very uncertain job market.

This plan for Rushcliffe is complementary to plans and activities of the D2N2 Local Enterprise Partnership and Nottinghamshire Local Resilience Forum. The Borough Council are an active participant in these wider plans to support their delivery and to ensure there is no duplication and resources are targeted in the right way.

With the introduction of the tiers of alert level by Government we will continue to review our plans to enable us to move quickly in response to any change in alert level. This new approach enables us to better prepare for what may happen and the action we need to take should the need arise. We are working closely with our partners across the County and the City to support each other on these plans.



# 5. The future

As a Council we continue to proactively plan for the future of our Borough, whilst this may look a little different than it did 6 months ago we are still committed to delivering our ambitions. Some of these have and will continue to change over the coming months but our priorities remain the same:

- **Quality of life** - our residents' quality of life is our first priority. When we say 'quality of life' we mean how our residents feel about living in the Borough, its environment, and the community facilities they can access.
- **Efficient services** - as an organisation it is always our intention to deliver the best services for our residents, in the most efficient way possible. In the coming years, we know this will mean embracing new ways of working and being open to innovation and transformation. Although there is no certainty around what the next four years will bring, there is certainty in how we will approach whatever arises.
- **Sustainable growth** - Rushcliffe is determined to play its part in shaping the future of the Borough ensuring the needs and aspirations of Rushcliffe residents are met in all future developments. This involves a significant amount of partnership working, we accept that sometimes we will be leading and sometimes supporting others to deliver what our community needs to grow.
- **The Environment** - at Rushcliffe, we know that the natural environment is precious and not something we can afford to take for granted. We are fully committed to playing our part in protecting the environment today and enhancing it for future generations.

Our plans for the future include:

- **Chapel Lane, Bingham**

The Council purchased a derelict piece of land in Bingham in 2017 from Tesco. The land sits in between the existing town and the new development of 1000 homes currently under construction to the north of the town. The development of this land is therefore important to create a link between the new development and the existing town.

The plan for Chapel Lane is the construction of a new leisure centre to replace the leisure centre currently located at Toothill School. The centre will include:

- o An up to date swimming facility for Bingham and the surrounding area. In addition to the day to day recreation and fitness use, the main pool is designated to provide for local swimming competitions, with the requisite design standards and provision of spectator seating.
- o A second pool is provided for learning, providing for maximum utilisation by local schools and swimming groups.

The leisure centre will incorporate a community hall with a stage and kitchen facilities.

In addition to the leisure centre we are planning to build a new office building which will house up to 12 new self contained office suites. The commercial property market has clearly changed significantly over the last 6 months and so we continue to review this opportunity to ensure we are delivering space that is needed by our local businesses.

- **Cotgrave town centre development**

Work continues on the completion of the Town Centre redevelopment. Construction started in July 2020 on a food retail outlet (pre let secured) and three smaller retail units, target date for completion is February 2021.

- **Abbey Road**

In 2018 the Council achieved its long held ambition to relocate the depot to a more suitable site and bring the Abbey Road site forward for housing. Recycling2go has relocated to Eastcroft and Streetwise to Bingham, freeing the land for redevelopment.

An architect was appointed to prepare a housing scheme with a focus on high quality design, including 30% affordable housing. They designed a scheme which include 76 dwellings and a Masterplan with Design Code were prepared, which included specific design standards, such as:

- Minimum house sizes
- Building For Life standards
- Off road parking and cycle storage
- Roof top gardens
- Level access
- Central open space
- Non-standard house type, using different elevation styles and palette of materials.

Outline planning permission was granted for the scheme in June 2019.

A procurement exercise was carried out to identify a developer to deliver the scheme and this included a list of requirements for the developer to meet to ensure an energy efficient and sustainable development. This included a requirement to meet the following standards:

- A 19% reduction in carbon efficiency rate of Building Regulations
- No gas or solid fuel
- Combination of electric and renewable energy
- Efficient use of water
- Efficiencies during construction
- 30% of construction costs (ie labour and materials) to be sourced locally
- Electric car charging for each dwelling

Final legal agreements are currently being negotiated and it is anticipated work will start on site in Spring 2021.

- **Delivery of strategic housing and employment sites**

We continue to work closely with our partners in the public and private sector to support and where required accelerate the delivery of our strategic housing and employment sites across the borough. This includes:

- Fairham (Land south of Clifton) - located on the A453 next to Clifton (Nottingham City) this development will comprise 3000 new homes and 20 ha of employment land.
- Gamston - located on the A52 next to Tollerton this development will include 4000 new homes and 20 ha of employment land
- RAF Newton - located on the A46 close to Bingham this development will include 550 new homes and 6.5ha of employment land.



The developments will include the delivery of required supporting infrastructure including necessary improvements to the highways network, education, health centres and parks/open space.

Other large developments in the Borough that are complete or are currently being delivered include Hollygate Park Cotgrave, Bingham and Edwalton.

- **East Midlands Development Corporation**

In October 2018 the Government announced funding of up to £2m to explore the business case for a locally led development delivery vehicle for the East Midlands. This would cover three geographical sites in the East Midlands: Ratcliffe on Soar power station, Toton and Chetwynd Barracks, and East Midlands Airport. In June 2019 Nottinghamshire County Council, on behalf of the Midlands Engine, commissioned the preparation of an outline business case for a Development Corporation.

As one of the three proposed sites for the Development Corporation is located in Rushcliffe (Ratcliffe on Soar powerstation) the Borough Council are an active participant in the proposals as they progress. Ratcliffe on Soar is due to be decommissioned in 2025 and therefore our focus is on ensuring the delivery of a high quality, sustainable development of the site which brings benefits for local residents and businesses.

Over the coming months the intention is to establish an interim vehicle for the Development Corporation (to enable work to continue while the necessary legislation is passed for the establishment of the formal Development Corporation), which it is hoped will be launched from early 2021.

- **Environmental Strategy Working Group**

An environmental strategy working group has been established, led by Rushcliffe Borough Council, which meets every six weeks, it is attended by all local authorities throughout the County and including the City and some voluntary sector and non-profit organisations. The areas of focus include:

- Solar PV panels on leisure centres. Feasibility studies have been completed;
- Low carbon retro fitting of social housing continues with further funding identified;
- A low carbon check list for planners has been developed with support to help planners and developers, including training events for sustainable new build properties. Also a County wide low carbon Supplementary Planning Framework draft document has been developed. However, further refinement is needed now that Central Government is due to respond to future homes standards consultations;
- A bid has been submitted for Local Government Association 'Design In The Public Sector' grant funding to develop a communications platform to ensure consistent messages are issued across the county;
- 3 sites potential sites have initially been identification for low energy and low carbon vehicle depot sites within the wider East Midlands region;
- Reviews are being undertaken for the decarbonisation of Council owned fleet vehicles and the options for electrification of local authority Depots, including changing fuel sources;
- Work continues to connect with larger business to lead on carbon neutral mentoring with smaller business and encouraging 'Shop Local, Shop Safe' to support the local economy and lower fuel usage;
- Re-evaluation is taking place on the approach to home working which will lower organisational carbon footprints and travel costs. This will also provide opportunities to use Council buildings more creatively in future.

- **Growth Boards**

The Rushcliffe Growth Boards were established in 2015 following endorsement from Rushcliffe Borough Council's Cabinet. There are currently five local growth boards covering:

- o Bingham
- o East Leake
- o Radcliffe on Trent
- o West Bridgford
- o Fairham

The Boards are made up of public sector partners and local representatives of the community and business sectors. Their aim is to work in partnership to help support and develop the towns and implement a long term vision for the future, meeting the needs of existing and future residents and businesses. The progress of these Boards is overseen by the Strategic Growth Board which meets quarterly.

These Boards have continued to meet over the last few months holding additional meetings to understand the impact of Covid 19 in each of these places and for the organisations in attendance. This process has enabled action plans for each Board to reviewed and updated to ensure the focus of the Boards is right to meet the challenges presented by Covid 19.

- **Town centre forums**

The Covid 19 pandemic has had a significant impact on our high street and town centre businesses and the future is still very uncertain for many with extended lockdowns and decreasing consumer confidence.

As a Council we are working hard to support our high street businesses and over the last few months have enhanced our relationship with many creating lines of communication that previously did not exist. We intend to build on this and develop, where they do not already exist, town centre forums for local businesses. This will be a place where high street businesses can come together and support each other as well as creating a direct dialogue with the Council.

We will continue to develop the digital presence of our high streets through initiatives such as West Bridgford Way and the Shop local, Shop Safe communications campaign.

- **Rushcliffe Business Partnership**

We will continue to work with Rushcliffe Business Partnership to deliver networking sessions and webinars/training events as required. This ensures that the support we provide is in response to the needs of our local businesses as it is directed by the private sector led Steering Group of the Business Partnership.

- **Support for other local initiatives**

Outside of our Growth Boards, we seek to help other parts of the Borough with large settlements and their local initiatives.

Among them has been Ruddington Village Centre Partnership who we have supported as they have developed a range of projects, including a vibrant local market, to further drive footfall to their retail areas.

External Recovery

Action	Officer	Progress update
<b>Town centres</b>		
Support for businesses to reopen	Economic Growth Team	<ul style="list-style-type: none"> <li>• Visits from EH and Ec Dev staff to support reopening of non-essential retail and hospitality.</li> <li>• Promotion of support available from consultants:                             <ul style="list-style-type: none"> <li>○ Retail support - webinars</li> <li>○ Digital support - webinars and one to one support</li> </ul> </li> </ul>
Public realm work	Economic Growth Team	<p><b><u>West Bridgford Town Centre</u></b></p> <ul style="list-style-type: none"> <li>• Existing Mon - Sat traffic restrictions on Central Avenue extended to cover Sunday also.</li> </ul> <p><b><u>Bingham Marketplace</u></b></p> <ul style="list-style-type: none"> <li>• The roads to the north and east of Bingham marketplace made one-way.</li> <li>• Introduction of an advisory 20mph speed limit in the town centre.</li> </ul> <p><b><u>Radcliffe on Trent</u></b></p> <ul style="list-style-type: none"> <li>• 20mph speed limit</li> </ul> <p><b><u>Ruddington</u></b></p> <ul style="list-style-type: none"> <li>• 20mph speed limit</li> </ul>
Dealing with issue of nuisance/ASB on Bridgford Park/Bridgfield	Community Development, Environmental Health and Communications Teams	<ul style="list-style-type: none"> <li>• Security patrols implemented over the summer to deal with this issue, especially in West Bridgford.</li> <li>• These issues have now decreased significantly with the reopening of the hospitality sector but will continue to be monitored.</li> </ul>
Re-introduction of Bingham and West Bridgford Markets	Economic Growth Team	<ul style="list-style-type: none"> <li>• Both markets successfully reopened for essential traders with correct procedures in place.</li> <li>• Work with Market manager to increase traders at West Bridgford Farmers Market via communications campaign.</li> <li>• First full Bingham Market went well apart from minor dispute between 2 traders.</li> <li>• Outside seating on Market Place throughout August to benefit local businesses to increase their seating capacity.</li> <li>• Local café/restaurant now has outside seating on the market place on a permanent basis via a licence agreement with the Council for use of the space</li> </ul>

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Identification of empty properties and work with landlords	Economic Growth Team	<ul style="list-style-type: none"> <li>Review of all current empty properties and recording details of landlords/agents.</li> <li>Possible future option to install vinyls etc to improve appearance also pop up shops depending on appetite of landlords.</li> </ul>
<b>Business support</b>		
Payment of small business; retail and hospitality and discretionary grants	Revenues and Benefits	<ul style="list-style-type: none"> <li>Process now completed and latest figures included in plan.</li> <li>New grants payments now being administered in response to second national lock down and tiers.</li> </ul>
RBP fortnightly ask the expert sessions and fortnightly networking	Economic Growth Team	<ul style="list-style-type: none"> <li>Fortnightly networking attracts around 25 to 35 local businesses and is hosted by local business owner. Presence from Council Portfolio Holder and Officers.</li> <li>Ask the expert sessions on things such as: <ul style="list-style-type: none"> <li>Managing your cash flow</li> <li>Website content</li> </ul> </li> </ul>
Regular promotion of D2N2 Growth Hub webinars	Economic Growth Team	<ul style="list-style-type: none"> <li>Promotion of Growth Hub survey to local businesses to gather data on the impact of Covid19 to help guide future support.</li> <li>Regular social media updates of support and webinars available.</li> </ul>
<b>Parks and open spaces</b>		
Supporting the public to safely social distance in Rushcliffe Country Park	Derek Hayden	<ul style="list-style-type: none"> <li>Banners and posters gone up in the park to remind residents about social distancing</li> <li>Risk assessment/protocol for the park developed</li> </ul>
Additional security measures required at Gresham due to a number of break ins	Community Development Team	<ul style="list-style-type: none"> <li>Additional Police patrols</li> <li>Removal of nets and goals to remove attraction of area</li> <li>Site now reopened and currently no issues being reported.</li> </ul>
Organised sport starting again on open spaces	Community Development Team	<ul style="list-style-type: none"> <li>Letter gone out to all regular users to find out plans for returning to facilities.</li> </ul>
Outdoor playgrounds can reopen from 4 July	Community Development Team	<ul style="list-style-type: none"> <li>Planned successful reopening of park on 4 July which included comms and signage about: <ul style="list-style-type: none"> <li>Wash hand before</li> <li>Use hand sanitiser</li> <li>Wash hands after</li> <li>Stay in family groups</li> </ul> </li> <li>Shared this advice with Parish councils for them to open play areas if can do.</li> </ul>
<b>Community support</b>		
Supporting the local community and voluntary groups	Community Development Team	<ul style="list-style-type: none"> <li>Consideration of activity required for any local lock down or second peak/local lockdown</li> </ul>
Reach Rushcliffe	Community Development Team	<ul style="list-style-type: none"> <li>Check in chat service being delivered by officers from RBC to support lonely and vulnerable residents.</li> </ul>

		<ul style="list-style-type: none"> <li>Reach Rushcliffe grants fully committed to support community groups</li> </ul>
Diversionary activities for young people due to extended time of school and some issues of ASB	Community Development Team	<ul style="list-style-type: none"> <li>Derek speaking to Positive Futures and Youth Services about summer holiday activities programme</li> <li>NCC looking at joint bid for Youth Futures Funding</li> </ul>
<b>Communications</b>		
Promotion of work being delivered by RBC staff e.g. case studies from Reach Rushcliffe or BR grants	Communications Team	<ul style="list-style-type: none"> <li>Ongoing promotion of activity of RBC Teams in the community</li> </ul>
Assurance campaign for businesses and residents for going back into our town centres	Communications and Economic Growth Teams	<ul style="list-style-type: none"> <li>Promotion of work done in Bingham to provide space on the market place for businesses to extend seating areas to support reopening</li> <li>Pictures taken and promoted with businesses and 'we are open' signs - sharing on social media channels</li> <li>Eat out to help out scheme promoted to local businesses and residents</li> <li>Public reassurance - shop safe/Shop local campaign launched</li> </ul>

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